

To: Bangerter, Layne[bangerter.layne@epa.gov]
From: Benton, Donald
Sent: Mon 3/27/2017 6:37:58 PM
Subject: Re: Mayor of Houston DC Visit

I need you to please set up Robin and others to handle for me, request from WH

From: Bangerter, Layne
Sent: Monday, March 27, 2017 6:17:33 PM
To: Benton, Donald
Subject: RE: Mayor of Houston DC Visit

I have a major conflict so I cannot.

From: Benton, Donald
Sent: Monday, March 27, 2017 1:51 PM
To: Bangerter, Layne <bangerter.layne@epa.gov>
Subject: Fw: Mayor of Houston DC Visit

Can you make this work?

From: Lent, Susan <slent@AKINGUMP.COM>
Sent: Monday, March 27, 2017 5:32 PM
To: Benton, Donald
Cc: Kelly, Bill - MYR; Kirkland, William H. EOP/WHO; Bangerter, Layne; Richardson, RobinH
Subject: Re: Mayor of Houston DC Visit

Hi Don,

Our meeting is confirmed for 5:15 tomorrow at EPA. Arnita Hannon confirmed it. Does that work? We're happy to meet anywhere that works for you.

Susan

Susan Lent

Sent from my iPhone

On Mar 27, 2017, at 12:58 PM, Benton, Donald <benton.donald@epa.gov> wrote:

Security here at our building will be a serious problem tomorrow for reasons I am sure you are aware. The meeting should occur after 4:30 or Wed. Or off site.

Thanks, Don

Sent from my iPad

On Mar 27, 2017, at 8:24 AM, Kelly, Bill - MYR <Bill.Kelly@houstontx.gov> wrote:

Thanks so much Mr. Kirkland,

I believe we are set up a time with EPA at 5:15pm.

Susan can confirm but that's what we have scheduled as of right now.

Thanks again,

bk

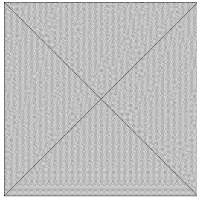
Sent from my iPhone

Bill Kelly

Director of Government Relations

Mayor's Office, City of Houston

832.393.0805



On Mar 27, 2017, at 10:19 AM, Kirkland, William H. EOP/WHO

Ex. 6

wrote:

Don,

Thanks for the help. I have cc'ed Bill Kelly from the Mayor's team who will be able to offer more details on the times they will be available while in town tomorrow.

Thanks,

Billy Kirkland

Special Assistant to the President

Deputy Director, Intergovernmental Affairs

EOP/Ex. 6

EOP/Ex. 6 office

Personal Phone/Ex. 6 cell

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

To: Bangerter, Layne[bangerter.layne@epa.gov]
From: Benton, Donald
Sent: Mon 3/27/2017 6:33:39 PM
Subject: Re: Thank You For Your Interest in Serving - You Need to Apply Online

He needs to circle back with whoever sent him the email. I have no idea what is wrong with the website.

From: Bangerter, Layne
Sent: Saturday, March 25, 2017 5:23:33 PM
To: Benton, Donald
Subject: Fwd: Thank You For Your Interest in Serving - You Need to Apply Online

Any advice on what to tell Skip?

Sent from my iPhone

Begin forwarded message:

From: Skip Brandt <Ex. 6>
Date: March 25, 2017 at 10:05:38 AM EDT
To: "Bangerter, Layne" <bangerter.layne@epa.gov>
Subject: FW: Thank You For Your Interest in Serving - You Need to Apply Online

Layne,
I received the below email yesterday. However, When I fill it all out and hit submit I am sent to a page that says "Page not found"!

Can you tell me where to inquire about what to do?

Cheers,

**Ex. 6 - Personal
Privacy**

-----Original Message-----

From: Do Not Reply [mailto:noreply@whitehouse.gov]
Sent: Friday, March 24, 2017 10:54 AM

To: **Ex. 6**

Subject: Thank You For Your Interest in Serving - You Need to Apply Online

Dear **Ex. 6**

Thank you for expressing an interest in serving in President Trump's Administration, you are receiving this email because you were referred by someone. In order to ensure you receive due consideration, it would be helpful to have your contact and background information electronically. Please complete the online Presidential Personnel application at <https://apply.whitehouse.gov>.

Thank you again for apprising us of your desire to serve the public interest as part of the Trump Administration.

Sincerely,
The Office of Presidential Personnel

To: Lent, Susan[slent@AKINGUMP.COM]
Cc: Kelly, Bill - MYR[Bill.Kelly@houstontx.gov]; Kirkland, William H. EOP/WHO [REDACTED] **EOP/Ex. 6** Bangerter, Layne[bangerter.layne@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]
From: Benton, Donald
Sent: Mon 3/27/2017 5:55:11 PM
Subject: Re: Mayor of Houston DC Visit

Susan, I am confirming the time will work for our folks but I am sure it will. Help refresh me on subject matter so we can have the correct people in the room. Water? Air? Radiation? Super fund cleanup?

Thanks,

Don

PS: I will not personally be there but my folks will take good care of the Mayor.

From: Lent, Susan <slent@AKINGUMP.COM>
Sent: Monday, March 27, 2017 5:32:59 PM
To: Benton, Donald
Cc: Kelly, Bill - MYR; Kirkland, William H. EOP/WHO; Bangerter, Layne; Richardson, RobinH
Subject: Re: Mayor of Houston DC Visit

Hi Don,
Our meeting is confirmed for 5:15 tomorrow at EPA. Arnita Hannon confirmed it. Does that work? We're happy to meet anywhere that works for you.
Susan

Susan Lent
Sent from my iPhone

On Mar 27, 2017, at 12:58 PM, Benton, Donald <benton.donald@epa.gov> wrote:

Security here at our building will be a serious problem tomorrow for reasons I am sure you are aware. The meeting should occur after 4:30 or Wed. Or off site.
Thanks, Don

Sent from my iPad

On Mar 27, 2017, at 8:24 AM, Kelly, Bill - MYR <Bill.Kelly@houstontx.gov> wrote:

Thanks so much Mr. Kirkland,

I believe we are set up a time with EPA at 5:15pm.

Susan can confirm but that's what we have scheduled as of right now.

Thanks again,

bk

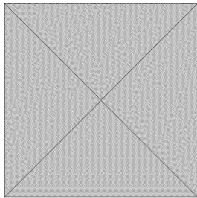
Sent from my iPhone

Bill Kelly

Director of Government Relations

Mayor's Office, City of Houston

832.393.0805



On Mar 27, 2017, at 10:19 AM, Kirkland, William H. EOP/WHO

EOP/Ex. 6

wrote:

Don,

Thanks for the help. I have cc'ed Bill Kelly from the Mayor's team who will be able to offer more details on the times they will be available while in town tomorrow.

Thanks,

Billy Kirkland

Special Assistant to the President

Deputy Director, Intergovernmental Affairs

EOP/Ex. 6

EOP/Ex. 6 office

EOP/Ex. 6 cell

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

To: Bangerter, Layne[bangerter.layne@epa.gov]
From: Benton, Donald
Sent: Mon 3/27/2017 5:51:12 PM
Subject: Fw: Mayor of Houston DC Visit

Can you make this work?

From: Lent, Susan <slent@AKINGUMP.COM>
Sent: Monday, March 27, 2017 5:32 PM
To: Benton, Donald
Cc: Kelly, Bill - MYR; Kirkland, William H. EOP/WHO; Bangerter, Layne; Richardson, RobinH
Subject: Re: Mayor of Houston DC Visit

Hi Don,
Our meeting is confirmed for 5:15 tomorrow at EPA. Arnita Hannon confirmed it. Does that work? We're happy to meet anywhere that works for you.
Susan

Susan Lent
Sent from my iPhone

On Mar 27, 2017, at 12:58 PM, Benton, Donald <benton.donald@epa.gov> wrote:

Security here at our building will be a serious problem tomorrow for reasons I am sure you are aware. The meeting should occur after 4:30 or Wed. Or off site.
Thanks, Don

Sent from my iPad

On Mar 27, 2017, at 8:24 AM, Kelly, Bill - MYR <Bill.Kelly@houstontx.gov> wrote:

Thanks so much Mr. Kirkland,

I believe we are set up a time with EPA at 5:15pm.

Susan can confirm but that's what we have scheduled as of right now.

Thanks again,

bk

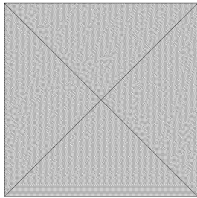
Sent from my iPhone

Bill Kelly

Director of Government Relations

Mayor's Office, City of Houston

832.393.0805



On Mar 27, 2017, at 10:19 AM, Kirkland, William H. EOP/WHO

EOP/Ex. 6

wrote:

Don,

Thanks for the help. I have cc'ed Bill Kelly from the Mayor's team who will be able to offer more details on the times they will be available while in town tomorrow.

Thanks,

Billy Kirkland

Special Assistant to the President

Deputy Director, Intergovernmental Affairs

EOP/Ex. 6

EOP/Ex. 6 - office

EOP/Ex. 6 - cell

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

To: Kirkland, William H. EOP/WHO **EOP/Ex. 6**
Cc: Bangerter, Layne[bangerter.layne@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]
From: Benton, Donald
Sent: Mon 3/27/2017 2:18:59 PM
Subject: Re: Request for EPA Agreement to Alternative Dispute Resolution - City of Taunton v. EPA

Billy,

I will have Robin Richardson and Layne Bangerter, my OCIR leads, set up a meeting with the mayor and appropriate people here tomorrow.

Layne will follow up with specifics.

Thanks,

Don

Sent from my iPad

On Mar 27, 2017, at 6:37 AM, Kirkland, William H. EOP/WHO **EOP/Ex. 6** wrote:

Don,

Hope all is well I wanted to follow-up with about the below issue and another request. I have the Mayor of Houston in town tomorrow afternoon and hoped that I might have someone at EPA join us for a meeting to discuss the city and some projects they have been working on for a number years now, it seems like they are having some regulatory issues.

Thanks,

Billy Kirkland

Special Assistant to the President

Deputy Director, Intergovernmental Affairs

William.H.Kirkland@ **EOP/Ex. 6**

EOP/Ex. 6 - office

EOP/Ex. 6

From: Thomas C Hoyer Jr [<mailto:thoyer@taunton-ma.gov>]
Sent: Thursday, March 16, 2017 11:15 AM
To: Kirkland, William H. EOP/WHO <**EOP/Ex. 6**>
Subject: FW: Request for EPA Agreement to Alternative Dispute Resolution - City of Taunton v. EPA
Importance: High

Billy,

I hope you are well. I met you a little over a week ago in your office in regards to the Mashpee Wampanoag Tribe's, Project First Light and their quest to gain a Category One LIT from the Department of the Interior. At the conclusion of the meeting I had mentioned that the City of Taunton, Ma had a serious issue with the EPA and that I would forward information, well here it is. I am meeting Tuesday 3/21 at 1pm with Layne Bangerter at the EPA. I was hoping I might be able to swing by your office early that morning to explain our issue to you or a member of your team.

Attached please find a letter from the Taunton Estuary Municipal Coalition to the Trump Administration requesting that the Agency reconsider, under the alternative dispute resolution process and independent peer review, the need for the stringent "state of the art" nitrogen limitations that EPA Region I has imposed on the City of Taunton (and is planning to further impose on other nearby communities) (Attachments). As explained in the attached letter from the Municipal Coalition, EPA's action ignored the finding of three nationally recognized experts who all uniformly concluded that the agency's "technical" approach (sentinel method) used to create the stringent nitrogen limitations was fundamentally flawed and would not result in meaningful ecological improvement in the Taunton Estuary. EPA Headquarters also refused to conduct a "peer review" of the Region's unproven sentinel method, even after acknowledging, under FOIA, that it possessed no records showing that the new methodology used to set the limits was scientifically defensible.

The City of Taunton and the Municipal Coalition believe this is precisely the type of arbitrary regulatory action that the Trump Administration has committed to address to avoid wasting local resources. The City should not be forced to litigate when the issue is whether or not the Region's approach is an accepted, reliable scientific practice – and EPA apparently possess no records showing that it is.

Please note that if the peer review confirms that the Region's approach is, in fact, scientifically defensible, the City will undertake the necessary expenditures knowing that the monies will produce real ecological benefits.

Thank you, I hope we can meet up and go Falcons,

Tom

Thomas C. Hoye Jr

Mayor

City of Taunton, Ma

508 821-1000

thoye@taunton-ma.gov

To: Kelly, Bill - MYR[Bill.Kelly@houstontx.gov]
Cc: Kirkland, William H. EOP/WHC [REDACTED] EOP/Ex. 6 Bangerter, Layne[bangerter.layne@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Susan Lent[slent@AKINGUMP.COM]
From: Benton, Donald
Sent: Mon 3/27/2017 4:58:44 PM
Subject: Re: Mayor of Houston DC Visit

Security here at our building will be a serious problem tomorrow for reasons I am sure you are aware. The meeting should occur after 4:30 or Wed. Or off site.
Thanks, Don

Sent from my iPad

On Mar 27, 2017, at 8:24 AM, Kelly, Bill - MYR <Bill.Kelly@houstontx.gov> wrote:

Thanks so much Mr. Kirkland,

I believe we are set up a time with EPA at 5:15pm.

Susan can confirm but that's what we have scheduled as of right now.

Thanks again,

bk

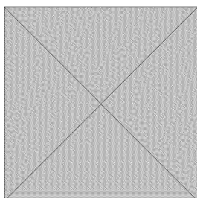
Sent from my iPhone

Bill Kelly

Director of Government Relations

Mayor's Office, City of Houston

832.393.0805



On Mar 27, 2017, at 10:19 AM, Kirkland, William H. EOP/WHO [REDACTED] EOP/Ex. 6 wrote:

Don,

Thanks for the help. I have cc'ed Bill Kelly from the Mayor's team who will be able to offer more details on the times they will be available while in town tomorrow.

Thanks,

Billy Kirkland

Special Assistant to the President

Deputy Director, Intergovernmental Affairs

EOP/Ex. 6

EOP/Ex. 6 office

EOP/Ex. 6 cell

To: Bangerter, Layne[bangerter.layne@epa.gov]
From: Benton, Donald
Sent: Mon 3/27/2017 4:55:14 PM
Subject: Fwd: Mayor of Houston DC Visit

FYI please coordinate

Sent from my iPad

Begin forwarded message:

From: "Kelly, Bill - MYR" <Bill.Kelly@houstontx.gov>
Date: March 27, 2017 at 8:24:08 AM PDT
To: "Kirkland, William H. EOP/WHO" <[REDACTED] EOP/Ex. 6>
Cc: "Benton, Donald" <benton.donald@epa.gov>, "Bangerter, Layne" <bangerter.layne@epa.gov>, "Richardson, RobinH" <Richardson.RobinH@epa.gov>, Susan Lent <slent@AKINGUMP.COM>
Subject: Re: Mayor of Houston DC Visit

Thanks so much Mr. Kirkland,

I believe we are set up a time with EPA at 5:15pm.

Susan can confirm but that's what we have scheduled as of right now.

Thanks again,

bk

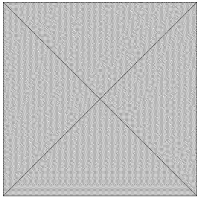
Sent from my iPhone

Bill Kelly

Director of Government Relations

Mayor's Office, City of Houston

832.393.0805



On Mar 27, 2017, at 10:19 AM, Kirkland, William H. EOP/WHO

EOP/Ex. 6

wrote:

Don,

Thanks for the help. I have cc'ed Bill Kelly from the Mayor's team who will be able to offer more details on the times they will be available while in town tomorrow.

Thanks,

Billy Kirkland

Special Assistant to the President

Deputy Director, Intergovernmental Affairs

EOP/Ex. 6

EOP/Ex. 6

office

EOP/Ex. 6

cell

To: Bangerter, Layne[bangerter.layne@epa.gov]
From: Benton, Donald
Sent: Wed 3/22/2017 12:07:22 PM
Subject: Re: Congressional Oversight

This is code. Tell him you have no question but COS has overridden my direct/his direct command. They don't want it in email.

Sent from my iPad

On Mar 21, 2017, at 6:12 PM, Bangerter, Layne <bangerter.layne@epa.gov> wrote:

Do you know this John? I really don't know what he's asking about but I will call him.

Sent from my iPhone

Begin forwarded message:

From: "Moran, John S. EOP/WHO" <[REDACTED] EOP/Ex. 6>
Date: March 21, 2017 at 5:56:50 PM EDT
To: "Bangerter.layne@epa.gov" <Bangerter.layne@epa.gov>
Cc: "Epstein, Daniel Z. EOP/WHO" <[REDACTED] EOP/Ex. 6>
Subject: Congressional Oversight

Layne,

I understand you have a question about congressional oversight. Feel free to call me.
My cell (below) is the surest way to reach me. I will be tied up tomorrow morning but am available now or tomorrow afternoon.

Regards,

John S. Moran

Associate Counsel to the President

[REDACTED] EOP/Ex. 6 (w)

[REDACTED] EOP/Ex. 6 (c)

To: Flynn, Matthew J. EOP/WHO **EOP/Ex. 6**
Cc: Bangerter, Layne[bangerter.layne@epa.gov]
From: Benton, Donald
Sent: Tue 3/21/2017 8:08:39 PM
Subject: correspondence

As we discussed. Byron Brown (administratively appointed counsel from Inhofe's staff) and Ryan Jackson the COS told Tate Bennett (administratively appointed head of OCIR) and she has told staff and they are preparing responses as we speak.

Layne is seeking direction. His email is Bangerter.layne@epa.gov

PS: Please mark me as present for today's meeting as I have nothing else to report.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Bowles, Jack[Bowles.Jack@epa.gov]
Cc: Bangerter, Layne[bangerter.layne@epa.gov]
From: Benton, Donald
Sent: Mon 3/6/2017 11:57:13 PM
Subject: RE: Request from Michigan Governor Snyder for Meeting with Administrator Pruitt on March 15

Jack, Already on this and the Admin's scheduler. I will loop you in if confirmed.

Thanks,

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Bowles, Jack
Sent: Monday, March 6, 2017 5:41 PM
To: Hoelscher, Douglas L. EOP/WHO EOP/Ex. 6
Cc: Benton, Donald <benton.donald@epa.gov>; Bangerter, Layne <bangerter.layne@epa.gov>
Subject: RE: Request from Michigan Governor Snyder for Meeting with Administrator Pruitt on March 15

Hi Doug,

Thanks for the heads up on Governor Snyder's visit. We are checking on the Administrator's

schedule and will reach out to Bill McBride.

Also copied here is Layne Bangerter, EPA's new Deputy Associate Administrator for Intergovernmental Relations.

Best Regards,

Jack Bowles

Director of State & Local Relations

U.S. Environmental Protection Agency

202-564-3657 (office) | 202-306-5196 (mobile)

From: Hoelscher, Douglas L. EOP/WHO [EOP/Ex. 6]
Sent: Monday, March 06, 2017 4:24 PM
To: Benton, Donald <benton.donald@epa.gov>; Gunn, Ashley L. EOP/WHO
[EOP/Ex. 6] Flynn, Matthew J. EOP/WHO
[EOP/Ex. 6]; Mashburn, John K. EOP/WHO
[EOP/Ex. 6]; Bowles, Jack <Bowles.Jack@epa.gov>
Cc: Johnson, Julia B. EOP/WHO [EOP/Ex. 6]
Subject: Request from Michigan Governor Snyder for Meeting with Administrator Pruitt on March 15
Importance: High

Hi Team EPA and Team Cabinet Affairs,

Governor Snyder (R, MI) will be in Washington D.C. on Wednesday, March 15 and has available time from 2:00-5:00 p.m. for meetings.

He is interested in meeting with EPA Administrator Scott Pruitt, specifically on the following topics:

- County Road 595 in Marquette, Michigan
- Discussion of Flint water issues
- Discussion of Great Lakes water issues. (Governor Snyder is Chair of Council of Great Lakes Governors)

Can you have a member of the EPA team reach out to the Michigan team and if a meeting is not possible during proposed window, explore setting up a phone call in the near future. Please update us on meeting request outcome.

*Julia – please log.

Sincerely,

Doug Hoelscher

Michigan Staff Point of Contact:

Bill McBride

Director

State of Michigan Washington D.C. Office

444 North Capitol Street N.W. Suite 411

Washington D.C. 20001

202-624-5840

mcbrideb@michigan.gov

www.michigan.gov

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: Richardson, RobinH[Richardson.RobinH@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]
From: Benton, Donald
Sent: Wed 3/15/2017 1:23:26 PM
Subject: Fwd: EPA -- Flint

Nancy, can you or Robin or Layne reach out.
Thanks,Don

Sent from my iPad

Begin forwarded message:

From: "Hoelscher, Douglas L. EOP/WHO" [REDACTED] **EOP/Ex. 6**
Date: March 15, 2017 at 9:01:45 AM EDT
To: "Benton, Donald" <benton.donald@epa.gov>
Cc: "McGinley, William J. EOP/WHO" [REDACTED] **EOP/Ex. 6** "Flynn, Matthew J. EOP/WHO" [REDACTED] **EOP/Ex. 6** "Gunn, Ashley L. EOP/WHO" [REDACTED] **EOP/Ex. 6** "Mashburn, John K. EOP/WHO" [REDACTED] **EOP/Ex. 6** "Clark, Justin R. EOP/WHO" [REDACTED] **EOP/Ex. 6** "Kirkland, William H. EOP/WHO" [REDACTED] **EOP/Ex. 6**
Subject: RE: EPA -- Flint

Can someone from EPA team please reach out to Gov. Snyder's comms team directly to coordinate before release please?

I'll give DC contact for Snyder a heads-up this is possible.

-----Original Message-----

From: Benton, Donald [mailto:benton.donald@epa.gov]
Sent: Wednesday, March 15, 2017 8:40 AM
To: Hoelscher, Douglas L. EOP/WHO [REDACTED] **EOP/Ex. 6**
Cc: McGinley, William J. EOP/WHO [REDACTED] **EOP/Ex. 6**; Flynn, Matthew J. EOP/WHO [REDACTED] **EOP/Ex. 6** Gunn, Ashley L. EOP/WHO [REDACTED] **EOP/Ex. 6** Mashburn, John K. EOP/WHO [REDACTED] **EOP/Ex. 6** Clark, Justin R. EOP/WHO [REDACTED] **EOP/Ex. 6**; Kirkland, William H. EOP/WHO [REDACTED] **EOP/Ex. 6**
Subject: Re: EPA -- Flint

The funding is approved. Region 5 EPA Administrator Bob Kaplan will sign final authorization tomorrow or Friday. Press release from EPA imminent. I hoped to attend CAFE event in Detroit with POTUS today, but never got a response to the request.

Don

Sent from my iPad

On Mar 15, 2017, at 8:30 AM, Hoelscher, Douglas L. EOP/WHO

EOP/Ex. 6

wrote:

Hi all,

POTUS will be having quick meetings with both Gov. Snyder and Mayor of Flint today -- is there any update on this front or is it safe to say that no Flint related funding announcement will happen today?

Sincerely,

Doug

-----Original Message-----

From: Hoelscher, Douglas L. EOP/WHO

Sent: Tuesday, March 14, 2017 3:38 PM

To: McGinley, William J. EOP/WHO <**EOP/Ex. 6**>; Flynn, Matthew J. EOP/WHO <**EOP/Ex. 6**>; Gunn, Ashley L. EOP/WHO <**EOP/Ex. 6**>; Mashburn, John K. EOP/WHO <**EOP/Ex. 6**>; 'Benton, Donald' <benton.donald@epa.gov>

Cc: **EOP/Ex. 6**

Subject: EPA -- Flint

Hi Team Cabinet Affairs and Don -- has a decision on below been made and if so, has any coordination been made with the state by EPA? This is high-profile issue that the previous administration played politics on so I want to make sure there are no surprises with state leaders especially given governor will see POTUS tomorrow.

Probably easier to discuss further via phone.

Thanks,

Doug

1. EPA - An Award of \$100 million Must Be Made by EPA to Flint, Michigan by THIS Friday March 17 - this is required by statute, under the Water Infrastructure Improvements for the Nation (WIIN) Act, Public Law No: 114-322, passed in December 2016.

Is this being coordinated with POTUS trip to MI on Wednesday?

To: James Ogsbury[jogsbury@westgov.org]
Cc: Hale, Michelle[hale.michelle@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Hoelscher, Douglas[Douglas.L.Hoelscher@who.eop.gov]; Bangerter, Layne[bangerter.layne@epa.gov]
From: Benton, Donald
Sent: Fri 2/24/2017 2:23:09 PM
Subject: RE: WGA Breakfast Meeting | Sunday, February 26 | U.S. EPA Headquarters [WARNING: DKIM validation failed]

Jim,

As you know this request was accepted prior to Mr. Pruitt's confirmation and we did not see the agenda until this morning, therefore he has some conflicting commitments.

He is very happy to make opening welcome remarks and stay for as many of the Governor's remarks as possible, however he must depart at 8:05 am. He will however ask his COS to participate in the Round table discussions.

Thank you for understanding and communicating this to the Governors.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: James Ogsbury [mailto:jogsbury@westgov.org]
Sent: Thursday, February 23, 2017 7:25 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: WGA Breakfast Meeting | Sunday, February 26 | U.S. EPA Headquarters [WARNING: DKIM validation failed]

Don,

Per your request, attached please find an agenda for the WGA meeting at EPA this Sunday. I am also enclosing a list of attendees.

Jim Ogsbury

Executive Director

Western Governors' Association

To: Richardson, RobinH[Richardson.RobinH@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]
From: Benton, Donald
Sent: Thur 2/23/2017 10:50:10 PM
Subject: FW: WGA Breakfast Meeting | Sunday, February 26 | U.S. EPA Headquarters

Agenda for our Breakfast here Sunday provided by the Western Gov. Assn.

We will need brief welcoming remarks for our boss.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Hoelscher, Douglas Ex. 6
Sent: Thursday, February 23, 2017 5:08 PM
To: James Ogsbury <jogsbury@westgov.org>
Cc: Toni Vigil <tvigil@westgov.org>; Benton, Donald <benton.donald@epa.gov>
Subject: RE: WGA Breakfast Meeting | Sunday, February 26 | U.S. EPA Headquarters

Thanks Jim – If ok, I plan on attending just as an observer (back bench).

*Don – let me know if I need to do anything to enter building.

My title is Special Assistant to the President and Deputy Dir. of Intergovernmental Affairs.

Thanks,

Doug

From: James Ogsbury [<mailto:jogsbury@westgov.org>]

Sent: Thursday, February 23, 2017 3:49 PM

To: Hoelscher, Douglas <[REDACTED]> **Ex. 6**

Cc: Toni Vigil <tvigil@westgov.org>

Subject: WGA Breakfast Meeting | Sunday, February 26 | U.S. EPA Headquarters

Hi Doug,

Per our conversation and your request, attached please find an agenda for the WGA meeting at EPA this Sunday. I am also enclosing a list of attendees.

Jim Ogsbury

Executive Director

Western Governors' Association

To: Bangerter, Layne[bangerter.layne@epa.gov]; Hannon, Arnita[Hannon.Arnita@epa.gov]
From: Benton, Donald
Sent: Wed 3/29/2017 8:06:31 PM
Subject: Fw: City of Taunton Peer Review Request
[City of Taunton Ltr to Bangerter and Kirkland 3-29-17.pdf](#)
[Chapra Statement on Taunton Wastewater Permit.pdf](#)
[Swanson Craig Temp Regime Mt HopeBay \(3\).pdf](#)
[Att 3 - Howes Letter on Taunton River 5-1-15.pdf](#)

Layne and Arnita,

Please be sure that the City of Taunton's issue is resolved by the office of water. Let me know if there is anything else that I need to do.

Thank you for your help in this matter,

Don

From: John Hall <jhall@hall-associates.com>
Sent: Wednesday, March 29, 2017 1:00 PM
To: William.h.kirkland [EOP/Ex. 6] Bangerter, Layne
Cc: thoye@taunton-ma.gov; Hannon, Arnita; Benton, Donald
Subject: City of Taunton Peer Review Request

Dear Messrs. Kirkland and Bangerter:

This correspondence is being transmitted at the request of Mayor Tom Hoyer, City of Taunton.

The City of Taunton greatly appreciates your assistance in resolving their ongoing dispute with USEPA. Attached please find a follow up action letter to that regard.

Your ongoing assistance in ensuring that EPA's directive is technically justified, via an independent peer review, is most appreciated.

The City looks forward to your timely action on this request.

Sincerely,

John C. Hall

Hall & Associates

1620 I Street, NW, Suite 701

Washington, DC 20006

Phone: 202-463-1166

Fax: 202-463-4207

E-Mail: jhall@hall-associates.com

The information contained in this e-mail is confidential and intended only for use by the individual or entity named. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by replying to this e-mail and destroying the original e-mail and any attachments thereto.

To: Hoelscher, Douglas [EOP/Ex. 6]
From: Benton, Donald
Sent: Fri 2/24/2017 3:09:47 PM
Subject: RE: WGA Breakfast Meeting | Sunday, February 26 | U.S. EPA Headquarters [WARNING: DKIM validation failed]

Thanks Doug

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Hoelscher, Douglas [EOP/Ex. 6]
Sent: Friday, February 24, 2017 9:28 AM
To: Benton, Donald <benton.donald@epa.gov>
Subject: RE: WGA Breakfast Meeting | Sunday, February 26 | U.S. EPA Headquarters [WARNING: DKIM validation failed]

This sounds completely reasonable.

From: Benton, Donald [mailto:benton.donald@epa.gov]
Sent: Friday, February 24, 2017 9:23 AM
To: James Ogsbury <jogsbury@westgov.org>
Cc: Hale, Michelle <hale.michelle@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Hoelscher, Douglas [EOP/Ex. 6]
Bangerter, Layne <bangerter.layne@epa.gov>
Subject: RE: WGA Breakfast Meeting | Sunday, February 26 | U.S. EPA Headquarters

[WARNING: DKIM validation failed]

Jim,

As you know this request was accepted prior to Mr. Pruitt's confirmation and we did not see the agenda until this morning, therefore he has some conflicting commitments.

He is very happy to make opening welcome remarks and stay for as many of the Governor's remarks as possible, however he must depart at 8:05 am. He will however ask his COS to participate in the Round table discussions.

Thank you for understanding and communicating this to the Governors.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: James Ogsbury [<mailto:jogsbury@westgov.org>]

Sent: Thursday, February 23, 2017 7:25 PM

To: Benton, Donald <benton.donald@epa.gov>

Subject: WGA Breakfast Meeting | Sunday, February 26 | U.S. EPA Headquarters [WARNING: DKIM validation failed]

Don,

Per your request, attached please find an agenda for the WGA meeting at EPA this Sunday. I am also enclosing a list of attendees.

Jim Ogsbury

Executive Director

Western Governors' Association

To: Hoelscher, Douglas [EOP/Ex. 6]
From: Benton, Donald
Sent: Fri 2/24/2017 12:41:55 PM
Subject: RE: WGA Breakfast Meeting | Sunday, February 26 | U.S. EPA Headquarters

Don is fine.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Hoelscher, Douglas [EOP/Ex. 6]
Sent: Thursday, February 23, 2017 6:06 PM
To: Benton, Donald <benton.donald@epa.gov>
Cc: Hale, Michelle <hale.michelle@epa.gov>; Groen, Stephanie <stephanie.groen@iowa.gov>
Subject: RE: WGA Breakfast Meeting | Sunday, February 26 | U.S. EPA Headquarters

Hi Donald – I believe so, but please confirm directly with Stephanie Groen (ccd) – her cell is [Personal Phone/Ex. 6]

[Personal Phone/Ex. 6]

What number can Stephanie call?

Thanks,

Doug

From: Benton, Donald [<mailto:benton.donald@epa.gov>]
Sent: Thursday, February 23, 2017 5:51 PM
To: Hoelscher, Douglas <[REDACTED] EOP/Ex. 6>
Cc: Hale, Michelle <hale.michelle@epa.gov>
Subject: RE: WGA Breakfast Meeting | Sunday, February 26 | U.S. EPA Headquarters

Doug,

Are Midwest governors confirmed for 2:30 tomorrow. Please connect with Michele Hale (copied here) to confirm.

Thanks,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Hoelscher, Douglas <[REDACTED] EOP/Ex. 6>
Sent: Thursday, February 23, 2017 5:08 PM
To: James Ogsbury <jogsbury@westgov.org>
Cc: Toni Vigil <tvigil@westgov.org>; Benton, Donald <benton.donald@epa.gov>
Subject: RE: WGA Breakfast Meeting | Sunday, February 26 | U.S. EPA Headquarters

Thanks Jim – If ok, I plan on attending just as an observer (back bench).

*Don – let me know if I need to do anything to enter building.

My title is Special Assistant to the President and Deputy Dir. of Intergovernmental Affairs.

Thanks,

Doug

From: James Ogsbury [<mailto:jogsbury@westgov.org>]

Sent: Thursday, February 23, 2017 3:49 PM

To: Hoelscher, Douglas [REDACTED] **EOP/Ex. 6**

Cc: Toni Vigil <tvigil@westgov.org>

Subject: WGA Breakfast Meeting | Sunday, February 26 | U.S. EPA Headquarters

Hi Doug,

Per our conversation and your request, attached please find an agenda for the WGA meeting at EPA this Sunday. I am also enclosing a list of attendees.

Jim Ogsbury

Executive Director

Western Governors' Association

To: Uli, Gabriella M. EOP/WHO
From: Benton, Donald
Sent: Tue 2/21/2017 10:17:37 PM
Subject: RE: cabinet affairs mtg

EOP/Ex. 6

Thanks

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Uli, Gabriella M. EOP/WHO
Sent: Tuesday, February 21, 2017 2:02 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: RE: cabinet affairs mtg

EOP/Ex. 6

That is alright. I will mark you as present with no update.

I will circle back with a time for you and John to connect.

Thanks

From: Benton, Donald [<mailto:benton.donald@epa.gov>]

Sent: Tuesday, February 21, 2017 1:57 PM

To: Uli, Gabriella M. EOP/WHO <[REDACTED] EOP/Ex. 6

Subject: RE: cabinet affairs mtg

Same number? I called at 1:20 exactly and was told I was the only one on the line. Is there a new or different number.

I had nothing to report on the call but do need to speak with John if he can sometime after 3pm

Thanks,

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Uli, Gabriella M. EOP/WHO <[REDACTED] EOP/Ex. 6

Sent: Tuesday, February 21, 2017 1:52 PM

To: Benton, Donald <benton.donald@epa.gov>

Subject: RE: cabinet affairs mtg

Don, I suppose you were not on when they did roll call. Matt is finishing up the last group now if you want to join them.

From: Benton, Donald [<mailto:benton.donald@epa.gov>]

Sent: Tuesday, February 21, 2017 1:46 PM

To: Uli, Gabriella M. EOP/WHO **EOP/Ex. 6**

Subject: cabinet affairs mtg

Importance: High

Is cabinet affairs call cancelled or is there a new dial in number?

Thanks,

Don

Been on call for 15 but no one else is ther?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Mashburn, John K. EOP/WHO [EOP/Ex. 6]
From: Benton, Donald
Sent: Tue 2/28/2017 4:31:13 PM
Subject: WOTUS EO

Is the President signing WOTUS EO today at 1:30?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: sean.e.doocey
From: Benton, Donald
Sent: Mon 2/27/2017 10:21:37 PM
Subject: Additional opportunities

EOP/Ex. 6

Sean, Left you a voice mail today referencing our discussion on Friday.

Thanks,

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Mashburn, John K. EOP/WHO
From: Benton, Donald
Sent: Mon 2/27/2017 10:19:21 PM
Subject: RE: Letter to the President of the United States

EOP/Ex. 6

John, I will be available on my cell phone and need to go to an off campus meeting. If POTUS does not postpone the WOTUS EO, I would really appreciate being there for the signing.

Gabriella has all my vitals as well as you in my earlier email. Please let me know if it is on and when.

Thanks,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Mashburn, John K. EOP/WHO [mailto:
Sent: Sunday, February 26, 2017 3:37 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: FW: Letter to the President of the United States

EOP/Ex. 6

Don – can you have the appropriate person reach out?

From: Hoelscher, Douglas
Sent: Sunday, February 26, 2017 3:26 PM
To: Mashburn, John K. EOP/WHO < ; Gunn, Ashley L.

EOP/Ex. 6

EOP/WHO <[REDACTED] EOP/Ex. 6 >; Flynn, Matthew

[REDACTED] EOP/Ex. 6

Cc: Clark, Justin R. EOP/WHO <[REDACTED] EOP/Ex. 6 >; Johnson, Julia B. EOP/WHO

EOP/Ex. 6

Cramer, Drew W. EOP/NSC

Subject: FW: Letter to the President of the United States

Hi Team Cabinet Affairs – would you be willing to relay below to Team EPA and ask that they reach out to CA Governor Brown’s Executive Secretary (their COS equivalent) this week?

Deliberative Process Privilege/Ex. 5

*Julia (please log).

*ccing Drew in NSC ops for transparency too.

Sincerely,

Thanks,

Doug

From: Nancy McFadden [<mailto:Nancy.McFadden@gov.ca.gov>]

Sent: Friday, February 24, 2017 1:34 PM

To: 'Justin.Clark'([REDACTED] EOP/Ex. 6)

Cc: Hoelscher, Douglas <[REDACTED] EOP/Ex. 6 [REDACTED]>; Katie Wheeler Mathews
<katie.wheelermathews@wdc.ca.gov>
Subject: Letter to the President of the United States

Justin and Doug,

Thank you again for moving so quickly on the Emergency Declaration for Oroville Dam. We are continuing to focus on short and long term actions to deal with Oroville as well as other infrastructure issues arising from the recent storms. Along those lines, the Governor is submitting for consideration a list of projects in need of expedited environmental review under your Executive Order 13766 (letters attached). In addition, we are making requests of several federal agencies for some specific actions on dam safety (those letters are also attached).

One other thing: the Governor (and I) unfortunately will not be coming east for the NGA meeting and the dinner with the President this weekend. Too much is going on here in California. We may be coming to Washington D.C. in March and, if so, I will let you know. I'd like to arrange some meetings with the Administration at that time.

Please let me know if you have any questions or need anything else.

Regards, Nancy

Nancy McFadden

Executive Secretary

Office of the Governor

[REDACTED] Personal Phone/Ex. 6 [REDACTED]

nancy.mcfadden@gov.ca.gov

To: Uli, Gabriella M. EOP/WHO [EOP/Ex. 6]
From: Benton, Donald
Sent: Wed 2/22/2017 7:20:42 PM
Subject: RE: cabinet affairs mtg

Thank you, I am happy to connect with them As I know you are swamped. Is there someone there I can connect with? Did you send the vitals to SS?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Uli, Gabriella M. EOP/WHO [EOP/Ex. 6]
Sent: Wednesday, February 22, 2017 2:19 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: RE: cabinet affairs mtg

Hi Don,

I have passed your message on to operations. I will be unavailable on Saturday due assisting with upcoming cabinet affairs events. Let me know if you don't hear back by the end of the day and I'll follow-up.

Thanks

From: Benton, Donald [<mailto:benton.donald@epa.gov>]

Sent: Wednesday, February 22, 2017 2:01 PM

To: Uli, Gabriella M. EOP/WHO

EOP/Ex. 6

Subject: RE: cabinet affairs mtg

Gabriella,

I know you are very busy but wanted to check on any progress on the family visit to the WH this coming Saturday?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Hoelscher, Douglas [EOP/Ex. 6]
Cc: Hale, Michelle[hale.michelle@epa.gov]; Groen, Stephanie[stephanie.groen@iowa.gov]
From: Benton, Donald
Sent: Tue 2/21/2017 6:38:44 PM
Subject: RE: Meeting with Administrator Pruitt

We have them scheduled for Friday, 2/24 at 2:30 pm for one hour. We are holding the 3:30 slot and 4:00 slot for the Governors of Guam and Texas respectively.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Hoelscher, Douglas [mailto:EOP/Ex. 6]
Sent: Tuesday, February 21, 2017 1:29 PM
To: Benton, Donald <benton.donald@epa.gov>
Cc: Hale, Michelle <hale.michelle@epa.gov>; Groen, Stephanie <stephanie.groen@iowa.gov>
Subject: RE: Meeting with Administrator Pruitt
Importance: High

Hi Don – looping in Stephanie Groen – Stephanie – can you please coordinate directly with the EPA team on the four Midwestern governors and provide them what they need?

Thanks,

Doug

From: Benton, Donald [<mailto:benton.donald@epa.gov>]
Sent: Tuesday, February 21, 2017 10:42 AM
To: Hoelscher, Douglas <[EOP/Ex. 6](#)>
Cc: Hale, Michelle <hale.michelle@epa.gov>
Subject: RE: Meeting with Administrator Pruitt

Lock down 2:30 here at EPA. Need full names to clear through our security.

Working on appts for Texas and Guam later in day....say 3:30 and 4:00pm.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Hoelscher, Douglas [<mailto:> [EOP/Ex. 6](#)]
Sent: Tuesday, February 21, 2017 9:05 AM
To: Benton, Donald <benton.donald@epa.gov>
Cc: Groen, Stephanie <stephanie.groen@iowa.gov>
Subject: RE: Meeting with Administrator Pruitt

Hi Don – I believe they are all available still – looping in Stephanie Groen via cc line also as she can help coordinate.

Sincerely,

-Doug

From: Benton, Donald [<mailto:benton.donald@epa.gov>]
Sent: Tuesday, February 21, 2017 8:49 AM
To: Hoelscher, Douglas <[REDACTED] EOP/Ex. 6 >
Subject: RE: Meeting with Administrator Pruitt

Doug,

Getting conflicting messages. Scott will meet with Midwestern Governors here at 2:30 as requested. Are the four of them still available. We could do it at 3:00 also.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Hoelscher, Douglas [[mailto:\[REDACTED\] EOP/Ex. 6](mailto:[REDACTED] EOP/Ex. 6)]
Sent: Monday, February 20, 2017 6:01 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: RE: Meeting with Administrator Pruitt

Thanks Don – I think it would be a good message point for you all that you met with Midwestern governors – the relationships with the previous administration was rocky – especially due to WOTUS and the Obama team backing away from the RFS...

From: Benton, Donald [<mailto:benton.donald@epa.gov>]
Sent: Monday, February 20, 2017 5:47 PM
To: Hoelscher, Douglas <[REDACTED] EOP/Ex. 6 >
Subject: RE: Meeting with Administrator Pruitt

Working on making this happen. Will confirm with Stephanie tomorrow.

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Hoelscher, Douglas [[mailto:\[REDACTED\] EOP/Ex. 6](mailto:[REDACTED] EOP/Ex. 6)]
Sent: Monday, February 20, 2017 2:07 PM
To: Groen, Stephanie <stephanie.groen@iowa.gov>
Cc: Benton, Donald <benton.donald@epa.gov>; Mashburn, John K. [REDACTED] EOP/Ex. 6
<[REDACTED] EOP/Ex. 6 >; Johnson, Julia B. [REDACTED] EOP/Ex. 6
<[REDACTED] EOP/Ex. 6 >; Flynn, Matthew <[REDACTED] EOP/Ex. 6 >
Subject: RE: Meeting with Administrator Pruitt

Hi Stephanie,

I just talked to Don Benton who is the senior advisor for Administrator Pruitt at EPA (he is ccd). The Senate has not yet confirmed the DOE and USDA nominees, but thankfully they have approved Administrator Pruitt at EPA.

*Don – can you and your team work with Stephanie Groen with Gov. Branstad’s team to try to find a time that works for the Administrator to meet with below grouping of governors?

Midwest Governors:

Branstad (IA), Ricketts (NE), Holcomb (IN), Dayton (MN)

Thanks for your help.

Sincerely,

Doug

From: Groen, Stephanie [<mailto:stephanie.groen@iowa.gov>]
Sent: Monday, February 20, 2017 12:34 PM
To: Hoelscher, Douglas <[REDACTED] EOP/Ex. 6>; Davis, Anna
<ADavis@NGA.ORG> <adavis@nga.org>
Subject: Meeting with Administrator Pruitt

Doug and Anna,

I would like to check in on the status of the request that Iowa has made for a meeting of Midwestern Governors with the new Secretaries of the Dept. of Energy, the EPA, and USDA for this Friday, February 24.

Seeing as only one of those has been confirmed and there is now a lunch at the Vice President's Residence, I would like to amend the request.

Would Administrator Pruitt be available to meet with Governor Branstad and Lt. Governor Reynolds on **Friday, February 24 from 2:30-3:30 at the JW Marriott?**

Thank you for your consideration of this request.

Best,

Stephanie

--

Stephanie Groen | Acting Director of State-Federal Relations

Office of the Governor, State of Iowa

Gov. Terry Branstad & Lt. Gov. Kim Reynolds

202.624.5442 | stephanie.groen@iowa.gov

www.governor.iowa.gov

www.ltgovernor.iowa.gov

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Benton, Donald
Sent: Mon 2/27/2017 9:56:08 PM
Subject: FW: Budget
[Budget Background.docx](#)

Don
Senator Don Benton
Senior White House Advisor
Office of the Administrator
202.564.4711

-----Original Message-----

From: McGinley, William J. EOP/WHO [REDACTED] **EOP/Ex. 6**
Sent: Monday, February 27, 2017 12:05 PM
To: McGinley, William J. EOP/WHO <[REDACTED] **EOP/Ex. 6**>
Cc: Anderson, Jessica C. EOP/OMB <[REDACTED] **EOP/Ex. 6**>
Subject: OMB: Budget

All -

This morning, President Trump made a statement on the budget in which he outlined some of the priorities for OMB Director Mulvaney to take into account as he and the agency put together the upcoming budget. You and your agency comms staff will likely receive an influx of questions as the "Passback" process of budget negotiations begins to take place today. See attached for a background document which outlines some of the hard work we have to do. The top line talking points in this document will help you answer any questions as the media examines the administration's priorities of trimming the national debt, taking care of veterans, and funding the administration's national security objectives. As always, if you have any questions, please feel free to reach out to us.

Best,
Bill

William J. McGinley
Cabinet Secretary
The White House
Cell: [REDACTED] **Personal Phone/Ex. 6**

[REDACTED] **EOP/Ex. 6**

Budget Background

Top Talkers

- Under President Obama the national debt grew by 88 percent, from \$10.6 billion on January 20, 2009, to \$19.9 billion on January 19, 2017.
- In 2017, every child born in America inherits over \$60,000 in debt on average, up from \$30,000 in 2009.
- Under President Obama, the United States saw 8 of the 10 highest deficits in our country's history.
- Under President Obama, government outlays grew from \$2.982 trillion in 2008 to \$3.854 trillion in 2016.
- Under President Obama, both houses only passed a budget signed into law one time in eight years.

BACKGROUND RESEARCH

The Debt Exploded Under President Obama

Under President Obama The National Debt Grew By 88 Percent, From \$10.6 Billion On January 20, 2009, To \$19.9 Billion On January 19, 2017. ([Department of the Treasury](#), Accessed 2/18/17)

- **\$9.3 Billion Was Added To The National Debt Under Obama.** ([Department of the Treasury](#), Accessed 2/18/17)

In 2017, Every Child Born Inherits Over \$60,000 In Debt. ([Department of the Treasury](#), [United States Census Bureau](#), Accessed 2/18/17)

- **In February, 2017, The Population Of The United States Was Estimated To Be 324,463,017.** ([United States Census Bureau](#), Accessed 2/20/17)
- **On February 16, 2017, The Total Public Debt Was \$19,926,581,166,878.36.** ([Department of the Treasury](#), Accessed 2/18/17)

In 2009, Every Child Born Inherited Over \$30,000 In Debt. ([Department of the Treasury](#), [United States Census Bureau](#), Accessed 2/18/17)

- **In July 2009, The Population Of The United States Was Estimated To Be 306,771,529.** ([United States Census Bureau](#), Accessed 2/18/17)
- **In July 2009, The Total Public Debt Was \$11,518,472,742,288.00.** ([Department of the Treasury](#), Accessed 2/18/17)

President Obama Oversaw Huge Deficits And Government Outlays

President Obama's 8 Years In Office Were 8 Of The Ten Highest Deficits Since World War II. ([White House Office Of Management And Budget](#), Accessed 2/18/17)

- **The Biggest Deficit In The History Of The United States Was \$1.413 Trillion In 2009.** ([White House Office Of Management And Budget](#), Accessed 2/18/17)
- **The Second Biggest Deficit In The History Of The United States Was \$1.3 Trillion In 2011.** ([White House Office Of Management And Budget](#), Accessed 2/18/17)
- **The Third Biggest Deficit In The History Of The United States Was \$1.294 Trillion In 2010.** ([White House Office Of Management And Budget](#), Accessed 2/18/17)

- **The Fourth Biggest Deficit In The History Of The United States \$1.087 Trillion In 2012.** ([White House Office Of Management And Budget](#), Accessed 2/18/17)
- **The Fifth Biggest Deficit In The History Of The United States Was \$679.5 Billion In 2013.** ([White House Office Of Management And Budget](#), Accessed 2/18/17)
- **The Sixth Biggest In The History Of The United States Is Estimated To Be \$615.8 Billion In 2016.** ([White House Office Of Management And Budget](#), Accessed 2/18/17)
- **The Seventh Biggest Deficit In The History Of The United States Was \$484.6 Billion In 2014.** ([White House Office Of Management And Budget](#), Accessed 2/18/17)
- **The Ninth Biggest Deficit In The History Of The United States Was \$438.4 Billion In 2015.** ([White House Office Of Management And Budget](#), Accessed 2/18/17)

President Obama Grew Government Outlays By \$871.6 Billion, From \$2.982 Trillion In 2008 To \$3.854 Trillion In 2016. ([White House Office Of Management And Budget](#), Accessed 2/18/17)

- **In 2016, President Obama Oversaw \$3.951 Trillion In Government Outlays.** ([White House Office Of Management And Budget](#), Accessed 2/18/17)
- **In 2015, President Obama Oversaw \$3.688 Trillion In Government Outlays.** ([White House Office Of Management And Budget](#), Accessed 2/18/17)
- **In 2014, President Obama Oversaw \$3.506 Trillion In Government Outlays.** ([White House Office Of Management And Budget](#), Accessed 2/18/17)
- **In 2013, President Obama Oversaw \$3.455 Trillion In Government Outlays.** ([White House Office Of Management And Budget](#), Accessed 2/18/17)
- **In 2012, President Obama Oversaw \$3.537 Trillion In Government Outlays.** ([White House Office Of Management And Budget](#), Accessed 2/18/17)
- **In 2011, President Obama Oversaw \$3.603 Trillion In Government Outlays.** ([White House Office Of Management And Budget](#), Accessed 2/18/17)
- **In 2010, President Obama Oversaw \$3.457 Trillion In Government Outlays.** ([White House Office Of Management And Budget](#), Accessed 2/18/17)
- **In 2009, President Obama Oversaw \$3.518 Trillion In Government Outlays.** ([White House Office Of Management And Budget](#), Accessed 2/18/17)

Spending And Deficits In President Obama's Budgets

President Obama's Original FY 2017 Budget Called For \$4.147 Trillion In Government Outlays. (The President's Budget For Fiscal Year 2017, [White House Office Of Management And Budget](#), 2/9/16)

- **President Obama's Original FY 2017 Budget Called For \$503 Billion In Government Deficits.** (The President's Budget For Fiscal Year 2017, [White House Office Of Management And Budget](#), 2/9/16)

President Obama's Original FY 2016 Budget Called For \$3.999 Trillion In Government Outlays. (The President's Budget For Fiscal Year 2016, [U.S. Government Publishing Office](#), 2/2/15)

- **President Obama's Original FY 2016 Budget Called For \$474 Billion In Government Deficits.** (The President's Budget For Fiscal Year 2016, [U.S. Government Publishing Office](#), 2/2/15)

President Obama's Original FY 2015 Budget Called For \$3.901 Trillion In Government Outlays. (The President's Budget For Fiscal Year 2015, [U.S. Government Publishing Office](#), 3/4/14)

- **President Obama's Original FY 2015 Budget Called For \$564 Billion In Government Deficits.** (The President's Budget For Fiscal Year 2015, [U.S. Government Publishing Office](#), 3/4/14)

President Obama's Original FY 2014 Budget Called For \$3.778 Trillion In Government Outlays. (The President's Budget For Fiscal Year 2014, [U.S. Government Publishing Office](#), 4/10/13)

- **President Obama's Original FY 2014 Budget Called For \$744 Billion In Government Deficits.** (The President's Budget For Fiscal Year 2014, [U.S. Government Publishing Office](#), 4/10/13)

President Obama's Original FY 2013 Budget Called For \$3.803 Trillion In Government Outlays.
(The President's Budget For Fiscal Year 2013, [U.S. Government Publishing Office](#), 2/13/12)

- **President Obama's Original FY 2013 Budget Called For \$901 Billion In Government Deficits.** (The President's Budget For Fiscal Year 2013, [U.S. Government Publishing Office](#), 2/13/12)

President Obama's Original FY 2012 Budget Calls For \$3.729 Trillion In Government Outlays.
(The President's Budget For Fiscal Year 2012, [U.S. Government Publishing Office](#), 2/14/11)

- **President Obama's Original FY 2012 Budget Calls For \$1.101 Trillion In Government Deficits.** (The President's Budget For Fiscal Year 2012, [U.S. Government Publishing Office](#), 2/14/11)

President Obama's Original FY 2011 Budget Calls For \$3.834 Trillion In Government Outlays.
(The President's Budget For Fiscal Year 2011, [U.S. Government Publishing Office](#), 2/1/10)

- **President Obama's FY 2011 Budget Calls For \$1.267 Trillion In Government Deficits.** (The President's Budget For Fiscal Year 2011, [U.S. Government Publishing Office](#), 2/1/10)

President Obama's Original FY 2010 Budget Calls For \$3.552 Trillion In Government Outlays.
(The President's Budget For Fiscal Year 2011, [U.S. Government Publishing Office](#), 2/26/09)

- **President Obama's Original FY 2010 Budget Calls For \$1.171 Trillion In Government Deficits.** (The President's Budget For Fiscal Year 2011, [U.S. Government Publishing Office](#), 2/26/09)

President Obama Had A History Of Missing Budget Deadlines

By Virtue Of The Budget Act, The Deadline For A President To Submit A Budget Is The First Monday In February. "The Budget Act requires that he submit a blueprint for taxes and spending by the first Monday in February, but only once, in 2010, has he met that deadline." (Stephen Dinan, "Obama Misses His 4th Budget Deadline," [The Washington Times](#), 2/4/13)

On February 26th 2009, President Obama Released His FY 2010 Budget Request, 24 Days After The Deadline. (President Obama, [Remarks By The President On The Fiscal Year 2010 Budget](#), Washington, D.C., 2/26/09)

- **In 2009, The First Monday In February Was The 2nd.**

On February 1st 2010, President Obama Released His FY 2011 Budget Request, The Day Of The Deadline. (Peter Orszag, "Introducing The 2011 Budget," [The White House Blog](#), 2/1/10)

- **In 2010, The First Monday In February Was The 1st.**

On February 14th 2011, President Obama Released His FY 2012 Budget Request, 7 Days After The Deadline. (Jack Lew, "The 2012 Budget" [White House Office Of Management And Budget](#), 2/14/11)

- **In 2011, The First Monday In February Was The 7th.**

On February 13th 2012, President Obama Released His FY 2013 Budget Request, 7 Days After The Deadline. (Jeffrey Zients, "The 2013 Budget," [The White House Blog](#), 2/13/12)

- **In 2012, The First Monday In February Was The 6th.**

On April 10th 2013, President Obama Released His FY 2014 Budget Request, 65 Days After The Deadline. (Colleen Curtis, "President Obama Sends Congress His Fiscal Year 2014 Budget," [The White House Blog](#), 4/10/13)

- **In 2013, The First Monday In February Was The 4th.**

On March 4th 2014, President Obama Released His FY 2015 Budget Request, 28 Days After The Deadline. ("Opportunity For All: Middle Class Tax Cuts In The President's FY 2015 Budget," [The White House Office Of The Press Secretary](#), 3/4/14)

- In 2014, The First Monday In February Was The 3rd.

On February 2nd 2015, President Obama Released His FY 2016 Budget Request, The Day Of The Deadline. ("Sequestration Order for Fiscal Year 2016," [The White House Office Of The Press Secretary](#), 2/2/15)

- In 2015, The First Monday In February Was The 2nd.

On February 9th 2016, President Obama Released His FY 2017 Budget Request, 8 Days After The Deadline. ([White House Office Of Management And Budget](#), Accessed 1/31/17)

- In 2016, The First Monday In February Was The 1st.

Under Obama's Leadership, The Democrat Led Congress Only Managed To Pass A Budget In 2009

In 2009, Both Democrat Controlled Congress Passed A Budget Resolution. "The Democratically controlled Congress yesterday easily approved a \$3.4 trillion spending plan, setting the stage for President Obama to pursue the first major overhaul of the nation's health-care system in a generation along with other far-reaching domestic initiatives." (Lore Montgomery, "Congress Approves Obama's \$3.4 Trillion Spending Blueprint," [The Washington Post](#), 4/30/09)

In 2015, The Republican Controlled Congress Passed A Budget Resolution For The First Time Since 2009. "The GOP-led Congress Tuesday passed a full budget for the first time in years, laying out a road map for domestic spending cuts so deep that Democrats dared Republicans to follow through on them, predicting a swift voter backlash. If enacted, the cuts, combined with an improving economy, could produce a balanced budget within a decade. The budget cleared the Senate on a 51-48 vote Tuesday afternoon, after passing in the House last week." (Tom Howell Jr., "Congress Passes First Budget In 6 Years," [The Washington Times](#), 5/5/15)

President Trump Has Already Saved American's \$700 Million On A New Batch of F-35 Fighters

Lockheed Martin Credit President Trump With Helping To "Accelerate Negotiations" In The Sale Of 90 New F-35 Fighters For \$8.5 Billion, A \$700 Million Savings Compared To The Previous Batch. "Defense giant Lockheed Martin has agreed to sell 90 new F-35 fighter jets to the US Defense Department for \$8.5 billion -- a deal that amounts to more than \$700 million in savings over the last batch of aircraft delivered. Lockheed Martin credited President Donald Trump for helping to 'accelerate negotiations' and 'drive down the price' of what is already the most expensive weapons program in history." (Zachary Cohen, "After Trump Attack, Lockheed Martin Slashes F-35 Costs," [CNN](#), 2/4/17)

To: matthew.j.flynn[REDACTED] EOP/Ex. 6
Cc: Hoelscher, Douglas[REDACTED] EOP/Ex. 6
Stephanie[stephanie.groen@iowa.gov]
From: Benton, Donald
Sent: Wed 2/22/2017 7:19:32 PM
Subject: FW: Governors meeting this Friday and Sunday morning

Thank you

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Benton, Donald
Sent: Wednesday, February 22, 2017 1:48 PM
To: Hale, Michelle <hale.michelle@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Reeder, John <Reeder.John@epa.gov>; Bangerter, Layne <bangerter.layne@epa.gov>
Cc: Schnare, David <schnare.david@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ericksen, Doug <ericksen.doug@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Governors meeting this Friday and Sunday morning
Importance: High

Hello All,

EPA will host a breakfast for Western Governors This Sunday at 7:00am here in the Green Room. We expect Governors from our Regions 9, 10 (potentially others).

Just touched base with White House/WGA. Robin tells me WGA will send us a draft agenda in the morning that includes the Administrator. Past agendas have been generic and will include a Welcome from the Administrator as host, then turn it over to the WGA chair and co-chair, then governors' round table, then informal discussion. And breakfast up front. We will get talking points and the names attending for the Administrator by Friday morning Staff meeting.

This is a closed press event and a great opportunity to interact with an important group of governors in an informal setting.

Since we have not had Senate confirmations of the Secretaries for DoI , DoE and USDA, Cabinet participation won't be what it has been in past years

- There will also be an opportunity for the Administrator if he wants it Sunday Afternoon.
- National Governors Association Open "Office Hours" from 3:00pm – 4:30pm at the JW Marriott where the Administrator would have opportunities for one-on-one discussions or informal conversations with individual Governors.

With the Midwestern Governors coming here for private meetings with the Administrator this Friday Afternoon at 2:30 (Iowa, Nebraska, Indiana, Minnesota) Mr. Pruitt may want to forego the afternoon meeting at the hotel.

In addition, We are attempting to confirm requests from the Governor of Texas and the Governor of Guam for a 3:30 and 4:pm meeting this Friday.

Thanks,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Mashburn, John K. EOP/WHC
From: Benton, Donald
Sent: Tue 2/21/2017 3:45:24 PM
Subject: Daily report

EOP/Ex. 6

John, Busy day with it being Scott's first day in office. He is speaking at noon to the staff. I will try to make the call but the main thing we need is clear directive of my role and the BH team role as we have been asking for some time.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Charlie Costanzo[CCostanzo@americanwaterways.com]
Cc: Minoli, Kevin[Minoli.Kevin@epa.gov]
From: Benton, Donald
Sent: Mon 2/27/2017 4:19:27 PM
Subject: RE: Puget Sound NDZ [WARNING: DKIM validation failed]

Charlie,

Yes, we are required to recuse under the ethics rules. Does not mean that we cannot be informed on the issue, just not involved in the resolution.

Please continue to keep me informed.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Charlie Costanzo [mailto:CCostanzo@americanwaterways.com]
Sent: Wednesday, February 22, 2017 12:37 PM
To: Benton, Donald <benton.donald@epa.gov>; doug.ericksen@leg.wa.gov
Cc: 'Clifford A. Webster (cwebster@carneylaw.com)' <cwebster@carneylaw.com>; Craig Montesano <CMontesano@americanwaterways.com>
Subject: Puget Sound NDZ [WARNING: DKIM validation failed]
Importance: High

Greetings Senators Benton and Ericksen –

Thank you so much for the quick action to get clarity on the NDZ status. As you saw, we received a specific response from Michelle Pirzadeh yesterday evening that explained where the agency stands.

As follow up, I wanted to confirm that you are both recusing yourselves from the NDZ issue because it specifically involves Washington State. Please confirm that is the case and, if so, let us know to whom at EPA we should direct our inquiries on this issue. I've heard from both Kevin Minoli and Michelle Pirzadeh so I'm not sure who the main contact should be.

Please let me know when you have a moment. Thank you!

- Charlie

From: Minoli, Kevin [<mailto:Minoli.Kevin@epa.gov>]
Sent: Monday, February 20, 2017 7:42 PM
To: Charlie Costanzo <CCostanzo@americanwaterways.com>
Subject: Fw: Puget Sound NDZ [WARNING: DKIM validation failed]
Importance: High

Mr. Costanzo- Senator Benton forwarded your message to me as he and Senator Ericksen are currently recusing themselves from specific matters that involve the State of Washington. I will reach out to my colleagues and endeavor to have at least an initial response to you on Tuesday, as I understand time is of the essence.

Thank you, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8040

Direct Dial: 202-564-5551

From: Charlie Costanzo [<mailto:CCostanzo@americanwaterways.com>]
Sent: Saturday, February 18, 2017 12:40 PM
To: Benton, Donald <benton.donald@epa.gov>; Ruff, Sandy <Sandy.Ruff@leg.wa.gov>;
doug.ericksen@leg.wa.gov
Cc: 'Clifford A. Webster' (cwebster@carneylaw.com)' <cwebster@carneylaw.com>; 'Peter Schrapen' <peter@nmta.net>; Doug Levy (Doug@outcomesbylevy.onmicrosoft.com)
<Doug@outcomesbylevy.onmicrosoft.com>; 'Young, Tom' <Tom.Young@mail.house.gov>;
'colin.swanson@mail.house.gov' <colin.swanson@mail.house.gov>; 'James Tupper'
<tupper@tmw-law.com>; gwirtz@clia-nwc.com; 'Donna Spalding' <dspalding@clia-nwc.com>;
Lynn Muench <LMuench@americanwaterways.com>; Dorjets, Vlad **EOP/Ex. 6**
EOP/Ex. 6
Subject: RE: Puget Sound NDZ [WARNING: DKIM validation failed]
Importance: High

Dear Senators Ericksen and Benton:

I received the attached copy of the attached prepublication of the February 21 Federal Register stating that EPA is moving ahead with a Final Affirmative Determination of the Puget Sound NDZ.

As you might understand, this is extremely disappointing and surprising given that we understood from several communications that the Determination would be subject to the regulatory freeze authorized by President Trump's January 20 directive.

At this point, we are wondering if anything can be done to hold this determination or roll it back until former RA Dennis McLerran's justification for determining the adequacy of pumpout capacity in Puget Sound for commercial vessels can be fully understood and evaluated.

Your assistance is urgently requested.

Thank you!

- Charlie

Charles P. Costanzo

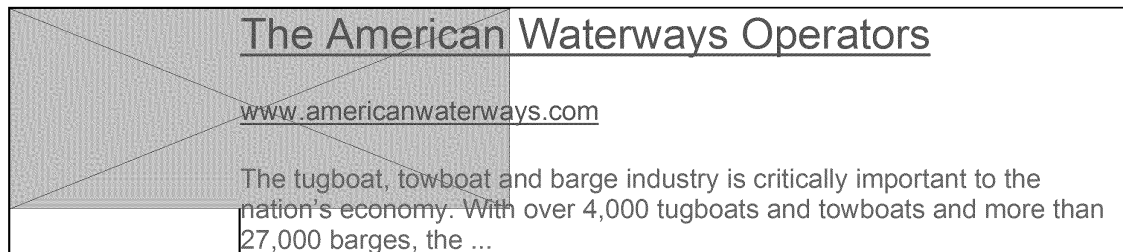
Vice President – Pacific Region

The American Waterways Operators ▀

5315 22nd Ave. NW

Seattle, WA 98107

www.americanwaterways.com



(206) 257-4723 (Office)

Personal Phone/Ex. 6 (Mobile)

(866) 954-8481 (Fax)

From: Charlie Costanzo
Sent: Wednesday, February 15, 2017 9:59 AM
To: 'benton.donald@epa.gov' <benton.donald@epa.gov>; Ruff, Sandy <Sandy.Ruff@leg.wa.gov>; 'doug.ericksen@leg.wa.gov' <doug.ericksen@leg.wa.gov>
Cc: 'Clifford A. Webster (cwebster@carneylaw.com)' <cwebster@carneylaw.com>; 'Peter Schrappe' <peter@nmta.net>; Doug Levy (Doug@outcomesbylevy.onmicrosoft.com) <Doug@outcomesbylevy.onmicrosoft.com>
Subject: Puget Sound NDZ

Dear Senators Ericksen and Benton:

I write on behalf of The American Waterways Operators (AWO), the national trade association for the tugboat and barge industry, to ask for your assistance rolling back the Puget Sound No-Discharge Zone (NDZ), a badly misguided and procedurally-flawed joint regulatory proposal of the Dept. of Ecology and the EPA. The policy would force vessel owners to abandon federally-approved onboard sewage treatment systems despite the absence of scientific evidence to suggest these systems harm the marine environment in any way. The policy would force vessel owners to install holding tanks onboard the vessel and pump untreated sewage to a shore-based treatment system. For my industry alone, the regulation would cost operators over \$15 million and provide zero benefit to the environment.

On the evening before President Trump was inaugurated, EPA representatives called maritime industry advocates to let them know that then-EPA administrator Dennis McLerran had signed a determination that the capacity of shoreside facilities was sufficient to accommodate the regulated community. The determination should be invalidated because there is exactly one shoreside facility in all of Puget Sound (at the Port of Bellingham) that could even accommodate a typical tugboat, fish processor, or small cruise vessel. McLerran's determination was signed, and shortly after the inauguration Senator Benton confirmed to Cliff that the determination was subject to the President's regulatory freeze declaration of January 20 and that it will not be noticed in the Federal Register.

We are working to ensure that RA McLerran's determination is never noticed and that the Puget Sound NDZ, as promulgated by the Dept. of Ecology, is never implemented. It's bad policy and we can articulate better ways that the industry and regulators can achieve water quality improvement from onboard sewage treatment. We would love the opportunity to talk with you by phone or in person about this issue. It's extremely important for the commercial and recreational boating community in Washington State. It even impacts which out of state vessels can trade in our waters.

I am copying in several other maritime industry advocates who worked over a period of years to persuade Ecology to adopt sensible NDZ policy for Puget Sound. They are Peter Schrappen of the Northwest Marine Trade Association (NMTA), Doug Levy from the Recreational Boaters of Washington, and Cliff Webster who works in Olympia for both AWO and NMTA. We have a much larger coalition of maritime industry groups that engaged on this issue with Ecology to no avail. I attach a letter that describes the coalition and our position. I also attach a letter from Rep. Dave Reichert to EPA urging them to exercise caution on this issue. It appears that EPA didn't take the Congressman's advice and instead opted for an 11th hour rulemaking.

Please let me know if you can find some time to meet with us or chat by phone. I'm happy to accommodate your schedule however works best.

Thank you so much!

- Charlie Costanzo

Charles P. Costanzo

Vice President – Pacific Region

The American Waterways Operators ■

5315 22nd Ave. NW

Seattle, WA 98107

www.americanwaterways.com

(206) 257-4723 (Office)

Personal Phone/Ex. 6 (Mobile)

(866) 954-8481 (Fax)

To: Uli, Gabriella M. EOP/WHO
From: Benton, Donald
Sent: Tue 2/21/2017 3:43:32 PM
Subject: RE: Need White House Credentials

EOP/Ex. 6

Gabriella, I need the credentialing form. Christine has not yet sent it to me and the Administrator is expecting to be in the WH tomorrow.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Uli, Gabriella M. EOP/WHO
Sent: Monday, February 20, 2017 5:10 PM
To: Benton, Donald <benton.donald@epa.gov>
Cc: Murphy, Christine
Subject: RE: Need White House Credentials

EOP/Ex. 6

EOP/Ex. 6

Hi Don,

We received the form pertaining to credentials late this afternoon. Christine will be sending the form to you shortly.

Personal Security Detail/Ex. 6/Ex. 7C/Ex. 7E/Ex. 7F

Personal Security Detail/Ex. 6/Ex. 7C/Ex. 7E/Ex. 7F

Thanks,

Gabriella

From: Benton, Donald [mailto:benton.donald@epa.gov]

Sent: Monday, February 20, 2017 4:46 PM

To: Uli, Gabriella M. EOP/WHO { EOP/Ex. 6

Subject: Need White House Credentials

Gabriella,

Please forward this request to whoever is responsible for WH credentials. The new Administrator wants them asap as he is planning on going there on Wednesday

Pruitt Tulsa	Edward Scott OK	DOB/Ex. 6	Personal Matters/Ex. 6	Y	US	M
-----------------	--------------------	-----------	------------------------	---	----	---

Benton Donald Vancouver	Mark WA	DOB/Ex. 6	Personal Matters/Ex. 6	Y	US	M
----------------------------	------------	-----------	------------------------	---	----	---

Thank you,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Dankert, Charles M. EOP/OMB [redacted] Schnare, David[schnare.david@epa.gov]
Cc: Campau, Anthony [redacted] EOP/Ex. 6; Peacock, Marcus C. EOP/OMB [redacted] EOP/Ex. 6; Williams, Michael B. EOP/OMB [redacted]
From: Benton, Donald
Sent: Mon 2/27/2017 4:14:04 PM
Subject: RE: REGULATORY REVIEW

Charlie,

The new Administrator wants to review these and it is taking a bit longer than we expected. Apologize, but we are working through them. We should see some movement this week on most of them.

Thanks,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Dankert, Charles M. EOP/OMB [mailto:[redacted]] EOP/Ex. 6
Sent: Friday, February 24, 2017 5:05 PM
To: Schnare, David <schnare.david@epa.gov>
Cc: Campau, Anthony [redacted] EOP/Ex. 6; Peacock, Marcus C. EOP/OMB [redacted] EOP/Ex. 6; Williams, Michael B. EOP/OMB [redacted]; Benton, Donald <benton.donald@epa.gov>
Subject: RE: REGULATORY REVIEW

Hi David,

Where is your team in the review process? I know there are a lot of rules, when can we expect feedback?

Thanks,

Charlie Dankert

EOP | OMB

C: **EOP/Ex. 6**

From: Dankert, Charles M. EOP/OMB

Sent: Monday, February 20, 2017 3:15 PM

To: Benton, Donald <benton.donald@epa.gov>; Schnare, David <schnare.david@epa.gov>

Cc: Campau, Anthony <**EOP/Ex. 6**>; Peacock, Marcus C. EOP/OMB

EOP/Ex. 6

Subject: RE: REGULATORY REVIEW

FYI: The rule highlighted in yellow and listed below was actually withdrawn by your agency so it can be disregarded from this request. Thanks!

Revisions to Procedure 2-Quality Assurance Requirements for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources

FR Document Number: 2016-27849

Publication Date: 11/21/2016

Scheduled Effective Date: 2/21/2017

Withdrawal Date: 2/15/2017

FR Withdrawal Number: 2017-03063

From: Dankert, Charles M. EOP/OMB

Sent: Thursday, February 16, 2017 5:03 PM

To: 'Benton, Donald' <benton.donald@epa.gov>; 'Schnare, David' <schnare.david@epa.gov>

Cc: Campau, Anthony <[REDACTED] EOP/Ex. 6 [REDACTED]> Peacock, Marcus C. EOP/OMB

Subject: REGULATORY REVIEW

Don & David,

Below is a list of recently published regulatory, policy, and other administrative actions that need review from your agency. Please work with your policy, legal, and regulatory teams to review and recommend actions before COB on Thursday, February 23rd. We look forward to discussing this further with you.

DEPARTMENT	OFFICE	SUBJECT	SUMMARY	RECOMMENDATION ACTION
EPA	Permit	General Permit	• Final NPDES General Permit for Stormwater Discharges from Construction Activities (1/19/17). Replaces the prior general permit that prevents operators from needing individual permits.	
EPA	Permit	General Permit	• Proposed Reissuance of the NPDES General Permit for Facilities Related to Oil and Gas Extraction in the Territorial Seas of Texas (1/19/17). Replaces the prior general permit that prevents operators from needing to secure individual permits. Authorizes discharges from exploration, development, and production facilities located in and discharging into the territorial seas off Texas.	
EPA	Regulatory Action	Water	• Public Notification Requirements for Combined Sewer Overflows to the Great Lakes Basin (1/13/17). Rule would implement section 425 of the FY 2016 Appropriations Bill to establish public notice requirements.	
EPA	Other	Water	• Drinking Water Infrastructure Needs Survey and Assessment – Sixth Report to Congress. OMB received this draft report from EPA on January 19, 2017, for	

			comment and interagency review. The report compiles data collected during FY 2015 on the drinking water infrastructure needs for public water systems across the country and will be used to calculate the allocation formula for State Revolving Fund (SRF) grants beginning in FY 2018. RMO is currently reviewing the report.
EPA	Other	Water	<ul style="list-style-type: none"> • Safe Drinking Water Act Assessment of Lead in Drinking Water (1/19/17). EPA published a Federal Register Notice seeking nominations for an expert external peer review panel and public comment on a draft report entitled, "Proposed Modeling Approaches for a Health Based Benchmark for Lead in Drinking Water" and the draft charge questions for the expert peer review panel. Nominations must be received by February 21, 2017, and comments on the draft report and charge questions must be received by March 6, 2017.
EPA	Other	GHG	<ul style="list-style-type: none"> • Mid-Term Review Decision of GHG Standards for Cars and Light Trucks. On January 12, 2017, the EPA determined to maintain the current GHG emissions standards for model year (MY) 2022-2025 vehicles.
EPA	Other	Incinerator	<ul style="list-style-type: none"> • Proposed Incinerator Guidelines for States (1/10/17). This proposed rule sets emissions limits, progress for milestones, and other elements that the state plans are to contain.
EPA	Regulatory Action and	Uranium and Thorium Mill Tailings	<ul style="list-style-type: none"> • Proposed Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings byproduct materials produced by uranium in-situ recovery (ISR). The standards would be implemented by the U.S. Nuclear Regulatory Commission (NRC) and NRC Agreement States.
EPA	Reports	Annual Toxics Release Inventory	<ul style="list-style-type: none"> • Annual Toxics Release Inventory. This EPA Report shows releases of toxic chemicals into the air nationwide.
EPA	Guidance	Air	<ul style="list-style-type: none"> • Federal GHG Accounting and Reporting Guidance. This CEQ led effort provides methods for calculating GHG emissions in accordance with E.O. 13693. This was finalized on January 17, but is not currently posted on the CEQ website.
EPA	Other	NAAQS Review Deadline	<ul style="list-style-type: none"> • NAAQS Review Deadlines for NO2/SO2. On January 17, EPA reached a tentative settlement with a litigant (Sierra Club) that commits the agency to hard deadlines for reviewing the National Ambient Air Quality

		Standards (NAAQS) for NO2 and SO2.
EPA	Findings of Failure	Ozone Plan Findings of Failure: 15 States and DC <ul style="list-style-type: none"> • Ozone Plan Findings of Failure. On January 20, EPA signed "findings of failure" of 15 states and D.C. to submit state implementation plans for the 2008 ozone air quality standard, starting the clock on a two-year window under the Clean Air Act for those jurisdictions to submit approvable plans for become subject to a Federal Implementation Plan.
EPA	Regulatory Action	Hazard Ranking System <ul style="list-style-type: none"> • Addition of a Subsurface Intrusion Component to the Hazard Ranking System Final Rulemaking (1/19/17). This rule allows Subsurface Intrusion to be included as a factor in scoring a contaminated site under the Hazard Ranking System for inclusion on the Superfund National Priorities List.
EPA	Regulatory Action	CERCLA <ul style="list-style-type: none"> • CERCLA 108(b) Financial Assurance Proposed Rulemaking for the Hardrock Mining Industry (1/11/17). This proposed rule establishes financial assurance requirements for the Hardrock Mining industry under CERCLA 108(b).
EPA	Regulatory Action	CERCLA <ul style="list-style-type: none"> • CERCLA 108(b) Financial Assurance Notice for the Chemical, Petroleum, and Electric Power Industries (1/11/17). This notified the chemical manufacturing, petroleum and coal products manufacturing, and electric power generation industries about EPA's intent to issue proposed financial assurance rulemakings pursuant to a court ordered schedule over the next seven years.
EPA	Regulatory Action	CRA <ul style="list-style-type: none"> • Risk Management Program Final Rule (1/13/17). This final rulemaking is on the Accidental Release Prevention Requirements of the Risk Management Program under the Clean Air Act.
EPA	Guidance	Remediating Contaminated Sediment Sites Directive. On January 9, 2017, Assistant Administrator Mathy Stanislaus issued a directive to the Regional Administrators following up on recommendations made by GAO on sediment site remediation. EPA plans on sending to Congress under a cover letter approved by OMB in the next few weeks.
EPA	Denial of Claims	Gold King Mine Claims <ul style="list-style-type: none"> • Gold King Mine Claims. On January 13, 2017, EPA denied a majority of claims filed under the Federal Tort Claims Act related to the August 5, 2015 Gold King Mine Release. EPA will continue to operate the water treatment facility at the site and water monitoring programs in areas previously impacted by the spill.
EPA	Policy Action	Pesticides <ul style="list-style-type: none"> • Final policy for addressing acute risks to bees from pesticides (1/12/17). Prohibits applications of acutely

		toxic pesticides under certain conditions when bees are most likely to be present.
EPA	Regulatory Action	Trichloroethylene Proposed rule to ban trichloroethylene (TCE) when used in vapor degreasing (1/11/17). The proposed rule affects consumer and occupational settings.
EPA	Regulatory Action	Nanoscale Materials Final rule for Reporting and Record Keeping Requirements on Nanoscale Materials (1/11/17). Industry is required to participate in a one-time reporting requirement concerning chemicals made at the nanoscale.
EPA	Regulatory Action	Methylene chloride and NMP Proposed rule to limit methylene chloride and NMP when used as paint removers (1/12/17). The proposed rule affects consumer and occupational settings.
EPA	Regulatory Action	Toxic Release Inventory • Proposed rule to add natural gas processing facilities to list of industrial sectors covered by the Toxic Release Inventory (1/6/17).
EPA	Regulatory Action	Pesticides Certified Applicators of Restricted Use Pesticides Final Rule (1/4/17). Only certified applicators can spray restricted use pesticides. The final rule published on January 4, 2017 updates competency standards and raises the minimum age of certified applicators. Under the rule, states submit plans for EPA's approval that explain how state certification programs comply with the updated standards.
EPA	Reports	Toxic Substances Control Act • Report to Congress concerning resource and capacity needs to conduct chemical risk evaluations under the amended Toxic Substances Control Act (TSCA). As required by the recently amended TSCA, EPA provided this report to Congress on January 19, 2017. EPA indicated that the additional requirements of the amended TSCA pose resource challenges, but that the agency is working to increase capacity to implement the requirements of the new law.
EPA	Risk Assessment	Pesticides • Four neonicotinoid pesticide risk assessments made available for public comment (1/12/17). EPA found that most crop uses do not pose significant risks to bee colonies, but spraying for several crops may pose risks.
EPA	Other	Endangered species Final biological evaluations of three chemicals' (chlorpyrifos, diazinon, and malathion) impacts on endangered species (1/18/17). Because these pesticides are used widely it was found that they 'may affect' or are 'likely to adversely affect' a variety of species across multiple taxa.
EPA	Other	Pesticides • Updated list of human health benchmarks for

		Drinking pesticides in drinking water (1/18/17). EPA posted an update of benchmark values for public drinking water systems to determine if the levels of pesticides present in water samples may pose a risk to human health.
EPA	Enforcement Actions	<p>• EPA Notification - Fiat Chrysler of Clean Air Act Violations for alleged violations of the Clean Air Act. Violations include installing and failing to disclose engine management software with 3.0 liter diesel engines sold in the United States.</p>
EPA	Enforcement Actions	<p>• Proposed Consent Decree • Volkswagen Settlement. On January 10th, EPA and Volkswagen released a negotiated draft settlement with U.S. authorities over the company's diesel emissions scandal. Criminal and Civil fines related to this settlement could total \$4.3 billion.</p>
EPA	Regulatory Action	<p>Underground State of Kentucky Underground Injection Control (UIC) Class II Program: Primacy Approval: Delayed until 3/21/2017. FR Document Numbers 2016-25931 (2017-01822)</p>
EPA	Regulatory Action	<p>Municipal Solid Waste Determination of Full Program Adequacy of Washington Municipal Solid Waste Landfill Permit Program: Delayed until 3/21/2017. FR Document Numbers 2016-26754 (2017-01822)</p>
EPA	Regulatory Action	<p>Emission Standards Formaldehyde Emission Standards for Composite Wood Products: Delayed until 3/21/2017. FR Document Numbers 2016-27987 (2017-01822)</p>
EPA	Regulatory Action	<p>Biomass Renewable Fuel Standard Program: Standards for 2017 and Biomass-Based Diesel Volume for 2018: Delayed until 3/21/2017. FR Document Numbers 2016-28879 (2017-01822)</p>
EPA	Regulatory Action	<p>Fine Particulate Matter Determination of Attainment of the 2012 Annual Fine Particulate Matter Standard: Pennsylvania; Delaware County Nonattainment Area: Delayed until 3/21/2017. FR Document Numbers 2016-29751 (2017-01822)</p>
EPA	Regulatory Action	<p>State Implementation Plan Air Plan Approval: Michigan; Part 9 Miscellaneous Rules: Delayed until 3/21/2017. FR Document Numbers 2016-30195 (2017-01822)</p>
EPA	Regulatory Action	<p>Air Quality Determination of Attainment of the 2008 Ozone National Ambient Air Quality Standards: Mariposa County, California: Delayed until 3/21/2017. FR Document Numbers 2016-30477 (2017-01822)</p>
EPA	Regulatory Action	<p>State Implementation Plan Approval and Promulgation of Implementation Plans and Redesignation of Areas for Air Quality Planning Purposes; Louisiana; Redesignation of Baton Rouge 2008 8-Hour Ozone Nonattainment Area to Attainment: Delayed until 3/21/2017. FR Document Numbers 2016-30776 (2017-01822)</p>

EPA	Regulation Action Implementation Plans	State Requirements	Air Plan Approval: Wisconsin; Infrastructure SIP Requirements for the 2012 PM2.5 NAAQS: Delayed until 3/21/2017. FR Document Numbers 2016-31017 (2017-01822)
EPA	Regulation Action Implementation Plans	State New York	Approval and Promulgation of Implementation Plans: New York Prevention of Significant Deterioration of Air Quality and Nonattainment New Source Review; Infrastructure State Implementation Plan Requirements: Delayed until 3/21/2017. FR Document Numbers 2016-31018 (2017-01822)
EPA	Regulation Action Implementation Plans	State Kentucky	Air Plan Approval: KY; RACM Determination for the Portion of the Louisville Area 1997 Annual PM2.5: Delayed until 3/21/2017. FR Document Numbers 2016-31023 (2017-01822)
EPA	Regulation Action Plans	Pollution	National Oil and Hazardous Substances Pollution Contingency Plan: National Priorities List: Partial Deletion of the North Penn Area 6 Superfund Site: Delayed until 3/21/2017. FR Document Numbers 2016-31032 (2017-01822)
EPA	Regulation Action Implementation Plans	State California	Approval of California Air Plan Revisions, Great Basin Unified Air Pollution Control District: Delayed until 3/21/2017. FR Document Numbers 2016-31225 (2017-01822)
EPA	Regulation Action Implementation Plans	State California	Approval of California Air Plan Revisions, South Coast Air Quality Management District: Delayed until 3/21/2017. FR Document Numbers 2016-31226 (2017-01822)
EPA	Regulation Action Implementation Plans	State Illinois	Air Plan Approval: Illinois; Volatile Organic Compounds Definition: Delayed until 3/21/2017. FR Document Numbers 2016-31227 (2017-01822)
EPA	Regulation Action Injection Control	Underground Storage	State of Kentucky Underground Injection Control (UIC) Class II Program: Primacy Approval: Delayed until 3/21/2017. FR Document Numbers 2016-31268 (2017-01822)
EPA	Regulation Action Implementation Plans	State Louisiana	Approval and Promulgation of Implementation Plans: Louisiana; State Boards: Delayed until 3/21/2017. FR Document Numbers 2016-31332 (2017-01822)
EPA	Regulation Action Standards	Emission	Revisions to National Emission Standards for Radon Emissions from Operating Mill Tailings: Delayed until 3/21/2017. FR Document Numbers 2016-31425 (2017-01822)
EPA	Regulation Action Risk Management	CERCLA	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act: Delayed until 3/21/2017. FR Document Numbers 2016-31426 (2017-01822)
EPA	Regulation	State	Approval and Promulgation of Implementation Plans:

	Action Implementation Plans	Rhode Island; Clean Air Act Infrastructure State and Federal Implementation Plans: Delayed until 3/21/2017. FR Document Numbers 2016-31444 (2017-01822)
EPA	Regulatory Action Implementation Plans	State Approval of Arizona Air Plan Revisions: Ajo and Maricopa, Arizona; Second 10-Year Sulfur Dioxide Maintenance Plans and Technical Correction: Delayed until 3/21/2017. FR Document Numbers 2016-31637 (2017-01822)
EPA	Regulatory Action Penalties	Civil Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation/Termination or Suspension of Permits: Procedures for Decisionmaking: Delayed until 3/21/2017. FR Document Numbers 2016-31638 (2017-01822)
EPA	Regulatory Action Implementation Plans	State Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho PM2.5 Nonattainment Area: Delayed until 3/21/2017. FR Document Numbers 2016-31643 (2017-01822)
EPA	Regulatory Action Quality	Air Revisions to the Guideline on Air Quality Models: Enhancements to the AERMOD Dispersion Modeling System and Incorporation of Approaches to Address Ozone and Fine Particulate Matter: Delayed until 3/21/2017. FR Document Numbers 2016-31747 (2017-01822)
EPA	Regulatory Action Implementation Plans	State Air Plan Approval: Georgia: Procedures for Testing and Monitoring Sources of Air Pollutants: Delayed until 3/21/2017. FR Document Numbers 2016-31753 (2017-01822)
EPA	Regulatory Action Implementation Plans	State Approval and Promulgation of Implementation Plans: Texas, Control of Air Pollution from Visible Emissions and Particulate Matter: Delayed until 3/21/2017. FR Document Numbers 2017-00087 (2017-01822)
EPA	Regulatory Action Implementation Plans	State Approval and Promulgation of Implementation Plans: Alabama; Infrastructure Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard: Delayed until 3/21/2017. FR Document Numbers 2017-00159 (2017-01822)
EPA	Regulatory Action Implementation Plans	State Air Plan Approval: TN Infrastructure Requirements for the 2010 NO2 NAAQS: Delayed until 3/21/2017. FR Document Numbers 2017-00161 (2017-01822)
EPA	Regulatory Action Matter Sources	Particulate Revisions to Procedure 2-Quality Assurance Requirements for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources: Published 11/21/2016 and scheduled to become

effective on 2/21/2017. FR Document Number 2016-27849

DOD, Regular Discharge Uniform National Discharge Standards for Vessels
EPA Action Standards of the Armed Forces: Phase II Batch One:
Delayed until 3/21/2017. FR Document Numbers
2017-00153 (2017-02594)

Charlie Dankert

EOP / OMB BEACHHEAD

(c) **EOP/Ex. 6**

To: Hoelscher, Douglas
From: Benton, Donald
Sent: Mon 2/27/2017 4:05:58 PM
Subject: RE: Meeting request from Governor Sununu

EOP/Ex. 6

Perfect, Thank you

Don
Senator Don Benton
Senior White House Advisor
Office of the Administrator
202.564.4711

-----Original Message-----

From: Hoelscher, Douglas
Sent: Monday, February 27, 2017 9:38 AM
To: Benton, Donald <benton.donald@epa.gov>
Subject: Re: Meeting request from Governor Sununu

EOP/Ex. 6

Yes - they are seated at same table

Sent from my iPhone

> On Feb 27, 2017, at 9:22 AM, Benton, Donald <benton.donald@epa.gov> wrote:
>
> Doug,
> Please let me know if the Governor was able to visit with the Administrator this morning. If not, I will
arrange a phone call later in the week.
> Thanks,
>
> Don
> Senator Don Benton
> Senior White House Advisor
> Office of the Administrator
> 202.564.4711
>
>

> -----Original Message-----

> **From:** Hoelscher, Douglas
> **Sent:** Saturday, February 25, 2017 6:09 PM
> **To:** Jayne Millerick <[REDACTED]>
> **Cc:** Benton, Donald <benton.donald@epa.gov>; Mashburn, John K. EOP/WHO
> <[REDACTED]>
> **Subject:** RE: Meeting request from Governor Sununu

EOP/Ex. 6

Personal Email/Ex. 6

EOP/Ex. 6

> Hi Jayne,

> I really appreciate the nice words and very much look forward to working with you.

> I'm looping in Don Benton from the EPA team -- I'm guessing Administrator Pruitt is probably full for
setting up an ancillary meeting, but he will be attending and speaking with the governors at the business
session on Monday at the White House. Let's try to make the connection that morning (and I'll try to get
them seated close to each other) -- worst case scenario and it doesn't happen, let's set up a call between
the Governor and the Administrator in the next few weeks.

>

> Sincerely,

> Doug

>

>

> -----Original Message-----

> From: Jayne Millerick [redacted] **Personal Email/Ex. 6**

> Sent: Saturday, February 25, 2017 5:31 PM

> To: Hoelscher, Douglas [redacted] **EOP/Ex. 6**

> Subject: Meeting request from Governor Sununu

>

> Hi Doug - great seeing you this morning at the Chiefs of Staff meeting. I appreciate the time you and Justin took with us. I can only imagine how busy you are.

>

> Governor Sununu was hoping Secretary Pruitt might please have a few moments to talk with him during his office hour with governors tomorrow afternoon. Governor Sununu would like to briefly mention a Clean Air Act provision that New Hampshire communities are finding challenging and will impact them greatly in the future.

>

>

> Jayne Millerick

> [redacted] Direct

> [redacted] Personal Phone/Ex. 6 Wireless

To: Minoli, Kevin[Minoli.Kevin@epa.gov]
From: Benton, Donald
Sent: Tue 2/21/2017 1:50:19 PM
Subject: RE: Puget Sound NDZ [WARNING: DKIM validation failed]

I would like to know the answer as well.

Thanks,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Minoli, Kevin
Sent: Monday, February 20, 2017 10:37 PM
To: Benton, Donald <benton.donald@epa.gov>
Cc: Ericksen, Doug <ericksen.doug@epa.gov>
Subject: Re: Puget Sound NDZ [WARNING: DKIM validation failed]

Don- Thank you; I will acknowledge receipt and reach out to the right folks in terms of responding.

Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8040

Direct Dial: 202-564-5551

From: Benton, Donald
Sent: Monday, February 20, 2017 4:56 PM
To: Minoli, Kevin
Cc: Ericksen, Doug
Subject: FW: Puget Sound NDZ [WARNING: DKIM validation failed]

Kevin, I think this communication from WA state should be handled by your office, not by me or Sen. Ericksen.

Thanks,

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Charlie Costanzo [<mailto:CCostanzo@americanwaterways.com>]

Sent: Saturday, February 18, 2017 12:40 PM

To: Benton, Donald <benton.donald@epa.gov>; Ruff, Sandy <Sandy.Ruff@leg.wa.gov>;
doug.ericksen@leg.wa.gov

Cc: 'Clifford A. Webster' (cwebster@carneylaw.com) <cwebster@carneylaw.com>; 'Peter
Schrappen' <peter@nmta.net>; Doug Levy (Doug@outcomesbylevy.onmicrosoft.com)
<Doug@outcomesbylevy.onmicrosoft.com>; 'Young, Tom' <Tom.Young@mail.house.gov>;
'colin.swanson@mail.house.gov' <colin.swanson@mail.house.gov>; 'James Tupper'
<tupper@tmw-law.com>; gwirtz@clia-nwc.com; 'Donna Spalding' <dspalding@clia-nwc.com>;
Lynn Muench <LMuench@americanwaterways.com>; Dorjets, Vlad **EOP/Ex. 6**

<EOP/Ex. 6>

Subject: RE: Puget Sound NDZ [WARNING: DKIM validation failed]

Importance: High

Dear Senators Ericksen and Benton:

I received the attached copy of the attached prepublication of the February 21 Federal Register stating that EPA is moving ahead with a Final Affirmative Determination of the Puget Sound NDZ.

As you might understand, this is extremely disappointing and surprising given that we understood from several communications that the Determination would be subject to the regulatory freeze authorized by President Trump's January 20 directive.

At this point, we are wondering if anything can be done to hold this determination or roll it back until former RA Dennis McLerran's justification for determining the adequacy of pumpout capacity in Puget Sound for commercial vessels can be fully understood and evaluated.

Your assistance is urgently requested.

Thank you!

- Charlie

Charles P. Costanzo

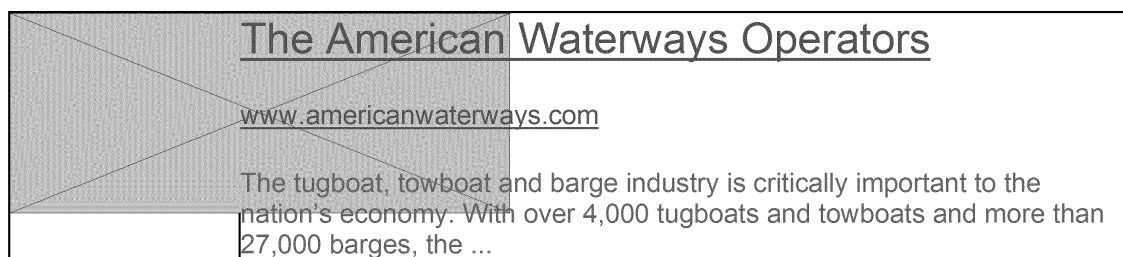
Vice President – Pacific Region

The American Waterways Operators ■

5315 22nd Ave. NW

Seattle, WA 98107

www.americanwaterways.com



(206) 257-4723 (Office)

(203) 980-3051 (Mobile)

(866) 954-8481 (Fax)

From: Charlie Costanzo

Sent: Wednesday, February 15, 2017 9:59 AM

To: 'benton.donald@epa.gov' <benton.donald@epa.gov>; Ruff, Sandy <Sandy.Ruff@leg.wa.gov>; 'doug.ericksen@leg.wa.gov' <doug.ericksen@leg.wa.gov>

Cc: 'Clifford A. Webster' (<cwebster@carneylaw.com>) <cwebster@carneylaw.com>; 'Peter Schrappe' (<peter@nmta.net>; Doug Levy (<Doug@outcomesbylevy.onmicrosoft.com>) <Doug@outcomesbylevy.onmicrosoft.com>

Subject: Puget Sound NDZ

Dear Senators Ericksen and Benton:

I write on behalf of The American Waterways Operators (AWO), the national trade association for the tugboat and barge industry, to ask for your assistance rolling back the Puget Sound No-Discharge Zone (NDZ), a badly misguided and procedurally-flawed joint regulatory proposal of the Dept. of Ecology and the EPA. The policy would force vessel owners to abandon federally-approved onboard sewage treatment systems despite the absence of scientific evidence to suggest these systems harm the marine environment in any way. The policy would force vessel owners to install holding tanks onboard the vessel and pump untreated sewage to a shore-based treatment system. For my industry alone, the regulation would cost operators over \$15 million and provide zero benefit to the environment.

On the evening before President Trump was inaugurated, EPA representatives called maritime industry advocates to let them know that then-EPA administrator Dennis McLerran had signed a determination that the capacity of shoreside facilities was sufficient to accommodate the regulated community. The determination should be invalidated because there is exactly one shoreside facility in all of Puget Sound (at the Port of Bellingham) that could even accommodate a typical tugboat, fish processor, or small cruise vessel. McLerran's determination was signed, and shortly after the inauguration Senator Benton confirmed to Cliff that the determination was subject to the President's regulatory freeze declaration of January 20 and that it will not be noticed in the Federal Register.

We are working to ensure that RA McLerran's determination is never noticed and that the Puget Sound NDZ, as promulgated by the Dept. of Ecology, is never implemented. It's bad policy and we can articulate better ways that the industry and regulators can achieve water quality improvement from onboard sewage treatment. We would love the opportunity to talk with you by phone or in person about this issue. It's extremely important for the commercial and recreational boating community in Washington State. It even impacts which out of state vessels can trade in our waters.

I am copying in several other maritime industry advocates who worked over a period of years to persuade Ecology to adopt sensible NDZ policy for Puget Sound. They are Peter Schrappe of the Northwest Marine Trade Association (NMTA), Doug Levy from the Recreational Boaters of Washington, and Cliff Webster who works in Olympia for both AWO and NMTA. We have a much larger coalition of maritime industry groups that engaged on this issue with Ecology to no avail. I attach a letter that describes the coalition and our position. I also attach a letter from Rep. Dave Reichert to EPA urging them to exercise caution on this issue. It appears that EPA didn't take the Congressman's advice and instead opted for an 11th hour rulemaking.

Please let me know if you can find some time to meet with us or chat by phone. I'm happy to

accommodate your schedule however works best.

Thank you so much!

- Charlie Costanzo

Charles P. Costanzo

Vice President – Pacific Region

The American Waterways Operators ☒

5315 22nd Ave. NW

Seattle, WA 98107

www.americanwaterways.com

(206) 257-4723 (Office)

(203) 980-3051 (Mobile)

(866) 954-8481 (Fax)

To: Mashburn, John K. EOP/WHO
From: Benton, Donald
Sent: Mon 2/27/2017 4:03:03 PM
Subject: RE: EO on WOTUS

EOP/Ex. 6

Thanks John

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Mashburn, John K. EOP/WHO [mailto:**EOP/Ex. 6**]
Sent: Monday, February 27, 2017 10:17 AM
To: Benton, Donald <benton.donald@epa.gov>
Cc: Uli, Gabriella M. EOP/WHO <**EOP/Ex. 6**>
Subject: Re: EO on WOTUS

Don - I don't know time yet.

Sent from my iPhone

On Feb 27, 2017, at 10:07 AM, Benton, Donald <benton.donald@epa.gov> wrote:

John,

I am told the President will sign the EO on WOTUS tomorrow morning.

I would like very much (similar to other Senior Advisors at other EO signings) to be present for the signing of the EO. Can you tell me what time and would you please have me cleared by SS to attend?

WAVES INFO:

Personal Address/Ex. 6

Thanks Very Much,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711

<image001.gif>

To: Uli, Gabriella M. EOP/WHO
From: Benton, Donald
Sent: Wed 2/22/2017 7:01:00 PM
Subject: RE: cabinet affairs mtg

Personal Email/Ex. 6

Gabriella,

I know you are very busy but wanted to check on any progress on the family visit to the WH this coming Saturday?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Hoelscher, Douglas
From: Benton, Donald
Sent: Tue 2/21/2017 1:49:24 PM
Subject: RE: Meeting with Administrator Pruitt

EOP/Ex. 6

Doug,

Getting conflicting messages. Scott will meet with Midwestern Governors here at 2:30 as requested. Are the four of them still available. We could do it at 3:00 also.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Hoelscher, Douglas [mailto:
Sent: Monday, February 20, 2017 6:01 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: RE: Meeting with Administrator Pruitt

EOP/Ex. 6

Thanks Don – I think it would be a good message point for you all that you met with Midwestern governors – the relationships with the previous administration was rocky – especially due to WOTUS and the Obama team backing away from the RFS...

From: Benton, Donald [mailto:benton.donald@epa.gov]
Sent: Monday, February 20, 2017 5:47 PM
To: Hoelscher, Douglas <
Subject: RE: Meeting with Administrator Pruitt

EOP/Ex. 6

Working on making this happen. Will confirm with Stephanie tomorrow.

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Hoelscher, Douglas [mailto:] **EOP/Ex. 6**
Sent: Monday, February 20, 2017 2:07 PM
To: Groen, Stephanie <stephanie.groen@iowa.gov>
Cc: Benton, Donald <benton.donald@epa.gov>; Mashburn, John K. EOP/WHO
< **EOP/Ex. 6** >; Johnson, Julia B. EOP/WHO
< Flynn, Matthew **EOP/Ex. 6** >
Subject: RE: Meeting with Administrator Pruitt

Hi Stephanie,

I just talked to Don Benton who is the senior advisor for Administrator Pruitt at EPA (he is ccd). The Senate has not yet confirmed the DOE and USDA nominees, but thankfully they have approved Administrator Pruitt at EPA.

*Don – can you and your team work with Stephanie Groen with Gov. Branstad’s team to try to find a time that works for the Administrator to meet with below grouping of governors?

Midwest Governors:

Branstad (IA), Ricketts (NE), Holcomb (IN), Dayton (MN)

Thanks for your help.

Sincerely,

Doug

From: Groen, Stephanie [<mailto:stephanie.groen@iowa.gov>]
Sent: Monday, February 20, 2017 12:34 PM
To: Hoelscher, Douglas <[REDACTED] EOP/Ex. 6>; Davis, Anna
<ADavis@NGA.ORG> <adavis@nga.org>
Subject: Meeting with Administrator Pruitt

Doug and Anna,

I would like to check in on the status of the request that Iowa has made for a meeting of Midwestern Governors with the new Secretaries of the Dept. of Energy, the EPA, and USDA for this Friday, February 24.

Seeing as only one of those has been confirmed and there is now a lunch at the Vice President's Residence, I would like to amend the request.

Would Administrator Pruitt be available to meet with Governor Branstad and Lt. Governor

Reynolds on **Friday, February 24 from 2:30-3:30 at the JW Marriott?**

Thank you for your consideration of this request.

Best,

Stephanie

--

Stephanie Groen | Acting Director of State-Federal Relations

Office of the Governor, State of Iowa

Gov. Terry Branstad & Lt. Gov. Kim Reynolds

Personal Phone/Ex. 6 stephanie.groen@iowa.gov

www.governor.iowa.gov

www.ltgovernor.iowa.gov

To: Hale, Michelle[hale.michelle@epa.gov]
From: Benton, Donald
Sent: Mon 2/20/2017 10:54:25 PM
Subject: FW: Followup on EPA requests.

Michele, We already have the Western Govs set for Sunday the 26th here and we are hoping to set the 4 midwest Govs for 2:30 on Friday. Can you squeeze in the other two (Texas and Guam) please. They are all in town and have reached out to the WH.

Thanks,
Don

Don
Senator Don Benton
Senior White House Advisor
Office of the Administrator
202.564.4711

-----Original Message-----

From: Hoelscher, Douglas [REDACTED] **EOP/Ex. 6**
Sent: Monday, February 20, 2017 2:35 PM
To: Benton, Donald <benton.donald@epa.gov>
Cc: Flynn, Matthew [REDACTED] **EOP/Ex. 6**; Gunn, Ashley L. EOP/WHO
[REDACTED] **EOP/Ex. 6**; Mashburn, John K. EOP/WHO [REDACTED] **EOP/Ex. 6**
Subject: Followup on EPA requests.
Importance: High

Hi Don,

Thanks again for taking my call. I sent the Midwest governors meeting and am following up with you on the more comprehensive list.

1.Meeting with Midwest Governors (Branstad, IA; Ricketts, NE; Holcomb, IN; Dayton, MN) -- contact: Stephanie.Groen@iowa.gov

2.Gov. Abbott (TX) -- contact: Jerry.Strickland@gov.texas.gov

3.Gov. Calvo (Guam) -- contact: Margaret.metcalf@guam.gov (Guam's governor does not get to DC too often so anything you can do would be appreciated).

There were also requests from Gov. Holcomb of Indiana and Gov. Mead of Wyoming but if you all can make the Midwest governors' meeting and the Western Governors meeting work, that should suffice.

Sincerely,
Doug

To: Minoli, Kevin[Minoli.Kevin@epa.gov]
Cc: Ericksen, Doug[ericksen.doug@epa.gov]
From: Benton, Donald
Sent: Mon 2/20/2017 9:56:59 PM
Subject: FW: Puget Sound NDZ [WARNING: DKIM validation failed]
[removed.txt](#)
[2017-03353.pdf](#)
[ATT00001.htm](#)
[removed.txt](#)

Kevin, I think this communication from WA state should be handled by your office, not by me or Sen. Ericksen.

Thanks,

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Charlie Costanzo [mailto:CCostanzo@americanwaterways.com]
Sent: Saturday, February 18, 2017 12:40 PM
To: Benton, Donald <benton.donald@epa.gov>; Ruff, Sandy <Sandy.Ruff@leg.wa.gov>; doug.ericksen@leg.wa.gov
Cc: 'Clifford A. Webster (cwebster@carneylaw.com)' <cwebster@carneylaw.com>; 'Peter Schrapen' <peter@nmta.net>; Doug Levy (Doug@outcomesbylevy.onmicrosoft.com) <Doug@outcomesbylevy.onmicrosoft.com>; 'Young, Tom' <Tom.Young@mail.house.gov>; 'colin.swanson@mail.house.gov' <colin.swanson@mail.house.gov>; 'James Tupper' <tupper@tmw-law.com>; gwirtz@clia-nwc.com; 'Donna Spalding' <dspalding@clia-nwc.com>; Lynn Muench <LMuench@americanwaterways.com>; Dorjets, Vlad EOP/OMB

< EOP/Ex. 6 >

Subject: RE: Puget Sound NDZ [WARNING: DKIM validation failed]
Importance: High

Dear Senators Ericksen and Benton:

I received the attached copy of the attached prepublication of the February 21 Federal Register stating that EPA is moving ahead with a Final Affirmative Determination of the Puget Sound NDZ.

As you might understand, this is extremely disappointing and surprising given that we understood from several communications that the Determination would be subject to the regulatory freeze authorized by President Trump's January 20 directive.

At this point, we are wondering if anything can be done to hold this determination or roll it back until former RA Dennis McLerran's justification for determining the adequacy of pumpout capacity in Puget Sound for commercial vessels can be fully understood and evaluated.

Your assistance is urgently requested.

Thank you!

- Charlie

Charles P. Costanzo

Vice President – Pacific Region

The American Waterways Operators »

5315 22nd Ave. NW

Seattle, WA 98107

www.americanwaterways.com

(206) 257-4723 (Office)

(203) 980-3051 (Mobile)

(866) 954-8481 (Fax)

From: Charlie Costanzo

Sent: Wednesday, February 15, 2017 9:59 AM

To: 'benton.donald@epa.gov' <benton.donald@epa.gov>; Ruff, Sandy
<Sandy.Ruff@leg.wa.gov>; 'doug.ericksen@leg.wa.gov' <doug.ericksen@leg.wa.gov>

Cc: 'Clifford A. Webster (cwebster@carneylaw.com)' <cwebster@carneylaw.com>; 'Peter
Schrappen' <peter@nmta.net>; Doug Levy (Doug@outcomesbylevy.onmicrosoft.com)
<Doug@outcomesbylevy.onmicrosoft.com>

Subject: Puget Sound NDZ

Dear Senators Ericksen and Benton:

I write on behalf of The American Waterways Operators (AWO), the national trade association for the tugboat and barge industry, to ask for your assistance rolling back the Puget Sound No-Discharge Zone (NDZ), a badly misguided and procedurally-flawed joint regulatory proposal of the Dept. of Ecology and the EPA. The policy would force vessel owners to abandon federally-approved onboard sewage treatment systems despite the absence of scientific evidence to suggest these systems harm the marine environment in any way. The policy would force vessel owners to install holding tanks onboard the vessel and pump untreated sewage to a shore-based treatment system. For my industry alone, the regulation would cost operators over \$15 million and provide zero benefit to the environment.

On the evening before President Trump was inaugurated, EPA representatives called maritime industry advocates to let them know that then-EPA administrator Dennis McLerran had signed a determination that the capacity of shoreside facilities was sufficient to accommodate the regulated community. The determination should be invalidated because there is exactly one shoreside facility in all of Puget Sound (at the Port of Bellingham) that could even accommodate a typical tugboat, fish processor, or small cruise vessel. McLerran's determination was signed, and shortly after the inauguration Senator Benton confirmed to Cliff that the determination was subject to the President's regulatory freeze declaration of January 20 and that it will not be noticed in the Federal Register.

We are working to ensure that RA McLerran's determination is never noticed and that the Puget Sound NDZ, as promulgated by the Dept. of Ecology, is never implemented. It's bad policy and we can articulate better ways that the industry and regulators can achieve water quality improvement from onboard sewage treatment. We would love the opportunity to talk with you by phone or in person about this issue. It's extremely important for the commercial and recreational boating community in Washington State. It even impacts which out of state vessels can trade in our waters.

I am copying in several other maritime industry advocates who worked over a period of years to persuade Ecology to adopt sensible NDZ policy for Puget Sound. They are Peter Schrappe of the Northwest Marine Trade Association (NMTA), Doug Levy from the Recreational Boaters of Washington, and Cliff Webster who works in Olympia for both AWO and NMTA. We have a much larger coalition of maritime industry groups that engaged on this issue with Ecology to no avail. I attach a letter that describes the coalition and our position. I also attach a letter from Rep. Dave Reichert to EPA urging them to exercise caution on this issue. It appears that EPA didn't take the Congressman's advice and instead opted for an 11th hour rulemaking.

Please let me know if you can find some time to meet with us or chat by phone. I'm happy to accommodate your schedule however works best.

Thank you so much!

- Charlie Costanzo

Charles P. Costanzo

Vice President – Pacific Region

The American Waterways Operators ☒

5315 22nd Ave. NW

Seattle, WA 98107

www.americanwaterways.com

(206) 257-4723 (Office)

(203) 980-3051 (Mobile)

(866) 954-8481 (Fax)

To:
From: Benton, Donald
Sent: Mon 2/20/2017 9:54:43 PM
Subject: Meeting

EOP/Ex. 6

Kellyanne,

It was delightful to finally meet you in person Friday night at the Pruitt swearing in. I have important and timely information to deliver and need 15 minutes with you as we discussed. Tuesday will be Pruitt's first day here and will be hectic, but I could come over later in the day or evening or Wednesday anytime day or night.

Thanks so Much,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Uli, Gabriella M. EOP/WHO
From: Benton, Donald
Sent: Mon 2/20/2017 9:46:12 PM
Subject: Need White House Credentials

EOP/Ex. 6

Gabriella,

Please forward this request to whoever is responsible for WH credentials. The new Administrator wants them asap as he is planning on going there on Wednesday

Pruitt Edward Scott
Tulsa OK

DOB/Ex. 6

Personal Matters/Ex. 6

Y US M

Benton Donald Mark
Vancouver WA

Y US M

Thank you,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Mashburn, John K. EOP/WHO
From: Benton, Donald
Sent: Mon 2/20/2017 9:40:06 PM
Subject: Communication

EOP/Ex. 6

John,

Just wrote out an important email to you, decided not to send. Please call me asap.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Uli, Gabriella M. EOP/WHO
From: Benton, Donald
Sent: Mon 2/27/2017 3:45:07 PM
Subject: RE: Family clearance through SS for tomorrow

EOP/Ex. 6

Gabriella, Thank you for your work on this. They could not be here after 2pm so we will have to try again on another day.

Thank you again for your work. I really appreciate you and your efforts under what I know is a hectic schedule!

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Uli, Gabriella M. EOP/WHO
Sent: Friday, February 24, 2017 11:51 AM
To: Benton, Donald <benton.donald@epa.gov>
Subject: RE: Family clearance through SS for tomorrow

EOP/Ex. 6

Great news! I'm not sure if you have heard otherwise, but from the guidance I received from ops, tours are only allowed after 2pm on Saturday. If Jennifer could confirm the time, I will clear in your family.

Thanks!

From: Benton, Donald [<mailto:benton.donald@epa.gov>]

Sent: Friday, February 24, 2017 10:56 AM

To: Uli, Gabriella M. EOP/WHO <[REDACTED]> **EOP/Ex. 6**

Subject: Family clearance through SS for tomorrow

Importance: High

Gabriella, I have found someone in PPO, Jennifer Locetta, to take my family through. Can you please be sure the WAVES process is ready for an 11AM tour tomorrow as I do not think we are having a cabinet affairs meeting tomorrow.

Please call my cell [REDACTED] if there is any issue as I am out the rest of the day.

Thanks so much!

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Uli, Gabriella M. EOP/WHO <[REDACTED]> **EOP/Ex. 6**

Sent: Wednesday, February 22, 2017 2:19 PM

To: Benton, Donald <benton.donald@epa.gov>

Subject: RE: cabinet affairs mtg

Hi Don,

I have passed your message on to operations. I will be unavailable on Saturday due assisting with upcoming cabinet affairs events. Let me know if you don't hear back by the end of the day and I'll follow-up.

Thanks

From: Benton, Donald [<mailto:benton.donald@epa.gov>]

Sent: Wednesday, February 22, 2017 2:01 PM

To: Uli, Gabriella M. EOP/WHO <[REDACTED]> **EOP/Ex. 6**

Subject: RE: cabinet affairs mtg

Gabriella,

I know you are very busy but wanted to check on any progress on the family visit to the WH this coming Saturday?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Hoelscher, Douglas
From: Benton, Donald
Sent: Mon 2/20/2017 10:47:03 PM
Subject: RE: Meeting with Administrator Pruitt

EOP/Ex. 6

Working on making this happen. Will confirm with Stephanie tomorrow.

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Hoelscher, Douglas
Sent: Monday, February 20, 2017 2:07 PM
To: Groen, Stephanie <stephanie.groen@iowa.gov>
Cc: Benton, Donald <benton.donald@epa.gov>; Mashburn, John K. EOP/WHO
EOP/Ex. 6; Johnson, Julia B. EOP/WHO
Flynn, Matthew <**EOP/Ex. 6**>
Subject: RE: Meeting with Administrator Pruitt

Hi Stephanie,

I just talked to Don Benton who is the senior advisor for Administrator Pruitt at EPA (he is ccd). The Senate has not yet confirmed the DOE and USDA nominees, but thankfully they have approved Administrator Pruitt at EPA.

*Don – can you and your team work with Stephanie Groen with Gov. Branstad's team to try to find a time that works for the Administrator to meet with below grouping of governors?

Midwest Governors:

Branstad (IA), Ricketts (NE), Holcomb (IN), Dayton (MN)

Thanks for your help.

Sincerely,

Doug

From: Groen, Stephanie [<mailto:stephanie.groen@iowa.gov>]
Sent: Monday, February 20, 2017 12:34 PM
To: Hoelscher, Douglas [REDACTED] EOP/Ex. 6 >; Davis, Anna
<ADavis@NGA.ORG> <adavis@nga.org>
Subject: Meeting with Administrator Pruitt

Doug and Anna,

I would like to check in on the status of the request that Iowa has made for a meeting of Midwestern Governors with the new Secretaries of the Dept. of Energy, the EPA, and USDA for this Friday, February 24.

Seeing as only one of those has been confirmed and there is now a lunch at the Vice President's Residence, I would like to amend the request.

Would Administrator Pruitt be available to meet with Governor Branstad and Lt. Governor Reynolds on **Friday, February 24 from 2:30-3:30 at the JW Marriott?**

Thank you for your consideration of this request.

Best,

Stephanie

--

Stephanie Groen | Acting Director of State-Federal Relations

Office of the Governor, State of Iowa

Gov. Terry Branstad & Lt. Gov. Kim Reynolds

202.624.5442 | stephanie.groen@iowa.gov

www.governor.iowa.gov

www.ltgovernor.iowa.gov

To: Groen, Stephanie[stephanie.groen@iowa.gov]
Cc: Hale, Michelle[hale.michelle@epa.gov]
From: Benton, Donald
Sent: Mon 2/20/2017 10:46:26 PM
Subject: RE: Meeting with Administrator Pruitt

Stephanie,

I believe we can accommodate the Gov's. We had another meeting I think we can move. I can confirm sometime Monday after the Administrator's Ex Asst. confirms with me.

Thank you,

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Groen, Stephanie [mailto:stephanie.groen@iowa.gov]
Sent: Monday, February 20, 2017 2:21 PM
To: Hoelscher, Douglas <[REDACTED] EOP/Ex. 6>
Cc: Benton, Donald <benton.donald@epa.gov>; Mashburn, John K. EOP/WHO
<[REDACTED] EOP/Ex. 6>; Johnson, Julia B. EOP/WHO
<[REDACTED] EOP/Ex. 6>; Flynn, Matthew <[REDACTED] EOP/Ex. 6>
Subject: Re: Meeting with Administrator Pruitt

Doug,

Thank you for your assistance and for connecting me with Don.

*Don-- is Administrator Pruitt available to meet with Governors Branstad (IA), Ricketts (NE), Holcomb (IN), and Dayton (MN) on **this Friday, February 24 from 2:30-3:30 pm** at the JW Marriott here in DC?

Thank you in advance for your assistance with getting this meeting scheduled.

Best,

Stephanie

On Mon, Feb 20, 2017 at 2:06 PM, Hoelscher, Douglas <

EOP/Ex. 6

wrote:

Hi Stephanie,

I just talked to Don Benton who is the senior advisor for Administrator Pruitt at EPA (he is ccd). The Senate has not yet confirmed the DOE and USDA nominees, but thankfully they have approved Administrator Pruitt at EPA.

*Don – can you and your team work with Stephanie Groen with Gov. Branstad’s team to try to find a time that works for the Administrator to meet with below grouping of governors?

Midwest Governors:

Branstad (IA), Ricketts (NE), Holcomb (IN), Dayton (MN)

Thanks for your help.

Sincerely,

Doug

From: Groen, Stephanie [mailto:stephanie.groen@iowa.gov]
Sent: Monday, February 20, 2017 12:34 PM
To: Hoelscher, Douglas <[REDACTED] EOP/Ex. 6> Davis, Anna
<ADavis@NGA.ORG> <adavis@nga.org>
Subject: Meeting with Administrator Pruitt

Doug and Anna,

I would like to check in on the status of the request that Iowa has made for a meeting of Midwestern Governors with the new Secretaries of the Dept. of Energy, the EPA, and USDA for this Friday, February 24.

Seeing as only one of those has been confirmed and there is now a lunch at the Vice President's Residence, I would like to amend the request.

Would Administrator Pruitt be available to meet with Governor Branstad and Lt. Governor Reynolds on **Friday, February 24 from 2:30-3:30 at the JW Marriott?**

Thank you for your consideration of this request.

Best,

Stephanie

--

Stephanie Groen | Acting Director of State-Federal Relations

Office of the Governor, State of Iowa

Gov. Terry Branstad & Lt. Gov. Kim Reynolds

202.624.5442 | stephanie.groen@iowa.gov

www.governor.iowa.gov

www.ltgovernor.iowa.gov

--

Stephanie Groen | Acting Director of State-Federal Relations

Office of the Governor, State of Iowa

Gov. Terry Branstad & Lt. Gov. Kim Reynolds

202.624.5442 | stephanie.groen@iowa.gov

www.governor.iowa.gov

www.ltgovernor.iowa.gov

To: Uli, Gabriella M.
From: Benton, Donald
Sent: Tue 2/21/2017 10:23:35 PM
Subject: RE: cabinet affairs mtg

EOP/Ex. 6

Gabriella, Could you please send me a directory of all Senior Advisors and Liaisons. Thanks

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Uli, Gabriella M.
Sent: Tuesday, February 21, 2017 2:02 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: RE: cabinet affairs mtg

EOP/Ex. 6

That is alright. I will mark you as present with no update.

I will circle back with a time for you and John to connect.

Thanks

From: Benton, Donald [<mailto:benton.donald@epa.gov>]

Sent: Tuesday, February 21, 2017 1:57 PM

To: Uli, Gabriella M. [REDACTED] **EOP/Ex. 6**

Subject: RE: cabinet affairs mtg

Same number? I called at 1:20 exactly and was told I was the only one on the line. Is there a new or different number.

I had nothing to report on the call but do need to speak with John if he can sometime after 3pm

Thanks,

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Uli, Gabriella M. [REDACTED] **EOP/Ex. 6**

Sent: Tuesday, February 21, 2017 1:52 PM

To: Benton, Donald <benton.donald@epa.gov>

Subject: RE: cabinet affairs mtg

Don, I suppose you were not on when they did roll call. Matt is finishing up the last group now if you want to join them.

From: Benton, Donald [<mailto:benton.donald@epa.gov>]

Sent: Tuesday, February 21, 2017 1:46 PM

To: Uli, Gabriella M. EOP/Ex. 6

Subject: cabinet affairs mtg

Importance: High

Is cabinet affairs call cancelled or is there a new dial in number?

Thanks,

Don

Been on call for 15 but no one else is ther?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Uli, Gabriella M.
From: Benton, Donald
Sent: Tue 2/21/2017 10:22:51 PM
Subject: RE: cabinet affairs mtg

EOP/Ex. 6

Thank you. It is important I speak to him.

Please ask Christine to forward the credentials form to me.

It is important I handle WH communication not the COS otherwise there really is no need for my position.

Thanks,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Uli, Gabriella M.
Sent: Tuesday, February 21, 2017 2:02 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: RE: cabinet affairs mtg

EOP/Ex. 6

That is alright. I will mark you as present with no update.

I will circle back with a time for you and John to connect.

Thanks

From: Benton, Donald [<mailto:benton.donald@epa.gov>]

Sent: Tuesday, February 21, 2017 1:57 PM

To: Uli, Gabriella M. EOP/Ex. 6

Subject: RE: cabinet affairs mtg

Same number? I called at 1:20 exactly and was told I was the only one on the line. Is there a new or different number.

I had nothing to report on the call but do need to speak with John if he can sometime after 3pm

Thanks,

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Uli, Gabriella M. [EOP/Ex. 6]

Sent: Tuesday, February 21, 2017 1:52 PM

To: Benton, Donald <benton.donald@epa.gov>

Subject: RE: cabinet affairs mtg

Don, I suppose you were not on when they did roll call. Matt is finishing up the last group now if you want to join them.

From: Benton, Donald [<mailto:benton.donald@epa.gov>]

Sent: Tuesday, February 21, 2017 1:46 PM

To: Uli, Gabriella M. [EOP/Ex. 6]

Subject: cabinet affairs mtg

Importance: High

Is cabinet affairs call cancelled or is there a new dial in number?

Thanks,

Don

Been on call for 15 but no one else is ther?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Hale, Michelle[hale.michelle@epa.gov]
From: Benton, Donald
Sent: Mon 2/20/2017 10:44:45 PM
Subject: FW: Meeting with Administrator Pruitt

Michele, On our Friday schedule we have the boss scheduled for a briefing with the enforcement division at 2:30. I suggest we push that meeting and set this meeting with the governors instead. They will be in town for their Governor's conference

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Groen, Stephanie [mailto:stephanie.groen@iowa.gov]
Sent: Monday, February 20, 2017 2:21 PM
To: Hoelscher, Douglas <[REDACTED]> **EOP/Ex. 6**
Cc: Benton, Donald <benton.donald@epa.gov>; Mashburn, John K. EOP/WHO
<[REDACTED]> **EOP/Ex. 6**; Johnson, Julia B. EOP/WHO
<[REDACTED]> **EOP/Ex. 6**; Flynn, Matthew <[REDACTED]> **EOP/Ex. 6**
Subject: Re: Meeting with Administrator Pruitt

Doug,

Thank you for your assistance and for connecting me with Don.

*Don-- is Administrator Pruitt available to meet with Governors Branstad (IA), Ricketts (NE),

Holcomb (IN), and Dayton (MN) on **this Friday, February 24 from 2:30-3:30 pm** at the JW Marriott here in DC?

Thank you in advance for your assistance with getting this meeting scheduled.

Best,

Stephanie

On Mon, Feb 20, 2017 at 2:06 PM, Hoelscher, Douglas <[REDACTED]> wrote:

EOP/Ex. 6

Hi Stephanie,

I just talked to Don Benton who is the senior advisor for Administrator Pruitt at EPA (he is ccd). The Senate has not yet confirmed the DOE and USDA nominees, but thankfully they have approved Administrator Pruitt at EPA.

*Don – can you and your team work with Stephanie Groen with Gov. Branstad’s team to try to find a time that works for the Administrator to meet with below grouping of governors?

Midwest Governors:

Branstad (IA), Ricketts (NE), Holcomb (IN), Dayton (MN)

Thanks for your help.

Sincerely,

Doug

From: Groen, Stephanie [mailto:stephanie.groen@iowa.gov]
Sent: Monday, February 20, 2017 12:34 PM
To: Hoelscher, Douglas [redacted] EOP/Ex. 6 Davis, Anna
<ADavis@NGA.ORG> <adavis@nga.org>
Subject: Meeting with Administrator Pruitt

Doug and Anna,

I would like to check in on the status of the request that Iowa has made for a meeting of Midwestern Governors with the new Secretaries of the Dept. of Energy, the EPA, and USDA for this Friday, February 24.

Seeing as only one of those has been confirmed and there is now a lunch at the Vice President's Residence, I would like to amend the request.

Would Administrator Pruitt be available to meet with Governor Branstad and Lt. Governor Reynolds on **Friday, February 24 from 2:30-3:30 at the JW Marriott?**

Thank you for your consideration of this request.

Best,

Stephanie

--

Stephanie Groen | Acting Director of State-Federal Relations

Office of the Governor, State of Iowa

Gov. Terry Branstad & Lt. Gov. Kim Reynolds

202.624.5442 | stephanie.groen@iowa.gov

www.governor.iowa.gov

www.ltgovernor.iowa.gov

--

Stephanie Groen | Acting Director of State-Federal Relations

Office of the Governor, State of Iowa

Gov. Terry Branstad & Lt. Gov. Kim Reynolds

202.624.5442 | stephanie.groen@iowa.gov

www.governor.iowa.gov

www.ltgovernor.iowa.gov

To: Mashburn, John K. [REDACTED] **EOP/Ex. 6**
Cc: Uli, Gabriella M. [REDACTED] **EOP/Ex. 6**
From: Benton, Donald
Sent: Mon 2/27/2017 3:07:00 PM
Subject: EO on WOTUS

John,

I am told the President will sign the EO on WOTUS tomorrow morning.

I would like very much (similar to other Senior Advisors at other EO signings) to be present for the signing of the EO. Can you tell me what time and would you please have me cleared by SS to attend?

WAVES INFO:

Donald Mark Benton- [REDACTED] **DOB/Ex. 6** [REDACTED] **SSN/Ex. 6** [REDACTED] **Personal Matters/Ex. 6**
[REDACTED] **Personal Matters/Ex. 6**

Thanks Very Much,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Mashburn, John K. [EOP/Ex. 6]
From: Benton, Donald
Sent: Mon 2/20/2017 10:42:19 PM
Subject: RE: Followup on EPA requests.

Terrific. Later tonight (it already is) give me a call on another matter [Personal Phone/Ex. 6]
Don

Don
Senator Don Benton
Senior White House Advisor
Office of the Administrator
202.564.4711

-----Original Message-----

From: Mashburn, John K. [EOP/Ex. 6]
Sent: Monday, February 20, 2017 2:38 PM
To: Hoelscher, Douglas <[EOP/Ex. 6]>
Cc: Benton, Donald <benton.donald@epa.gov>; Flynn, Matthew <[EOP/Ex. 6]>;
Gunn, Ashley L. [EOP/Ex. 6]
Subject: Re: Followup on EPA requests.

Don - we have a 3 pm mtg on this and after that will send you a holistic list of folks that want to meet with your boss.

Sent from my iPhone

> On Feb 20, 2017, at 2:34 PM, Hoelscher, Douglas [EOP/Ex. 6] wrote:
>
> Hi Don,
>
> Thanks again for taking my call. I sent the Midwest governors meeting and am following up with you on the more comprehensive list.
>
> 1.Meeting with Midwest Governors (Branstad, IA; Ricketts, NE; Holcomb, IN; Dayton, MN) -- contact: Stephanie.Groen@iowa.gov
>
> 2.Gov. Abbott (TX) -- contact: Jerry.Strickland@gov.texas.gov
>
> 3.Gov. Calvo (Guam) -- contact: Margaret.metcalfe@guam.gov (Guam's governor does not get to DC too often so anything you can do would be appreciated).
>
> There were also requests from Gov. Holcomb of Indiana and Gov. Mead of Wyoming but if you all can make the Midwest governors' meeting and the Western Governors meeting work, that should suffice.
>
> Sincerely,
> Doug
>
>

To: Bremberg, Andrew P. EOP/WHO [EOP/Ex. 6]
From: Benton, Donald
Sent: Mon 2/27/2017 2:29:08 PM
Subject: WOTUS

Andrew,

Two Things:

1. Do you have a final copy of the EO that you can send only to me for review by the Administrator and his Chief of Staff? We would like to prepare implementation papers.
2. I would like very much (similar to other Senior Advisors) to be present for the signing of the EO. Can you tell me what time and would you please have me cleared by SS to attend?

WAVES INFO:

Donald Mark Benton- [DOB/Ex. 6] [SSN/Ex. 6] [Personal Matters/Ex. 6]
[Personal Matters/Ex. 6]

Thanks,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Dan Wood[dan@wastatedairy.com]
From: Benton, Donald
Sent: Mon 2/27/2017 2:20:38 PM
Subject: RE: Region 10 Names

Dan,

Thank you for your follow up on this. I have forwarded this email to our general counsel for review.

Also, it is my understanding that the peer comments on the science that were removed from the website should be put back up on the site very soon according to our general counsel.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Dan Wood [mailto:dan@wastatedairy.com]
Sent: Monday, February 27, 2017 9:04 AM
To: Benton, Donald <benton.donald@epa.gov>
Cc: Dan Wood <dan@wastatedairy.com>
Subject: Region 10 Names

Senator Benton,

Thank you, again, for the time with you and other senior EPA officials last week. We have high hopes for review of egregious behavior and positive steps moving forward.

Two EPA Region 10 staff were specifically mentioned in the call.

Jennifer McDonald (referenced in one of the memos) was the staff who acted as the FOIA officer on a request for documents involving her own actions. She did not remove herself from the conflict of interest.

Eric Winiecki is the Region 10 staff who has reportedly been creating delays with reports related to the Administrative Order on Consent involving the dairies.

Thank you for looking into the actions in the memos and the actions of these particular individuals.

Dan Wood

Executive Director

Washington State Dairy Federation

PO Box 1768 Elma, WA 98541

Dan@wastatedairy.com

360-870-6018.

It's OK to call any time – early, late, weekends are OK. Really.

From: Dan Wood

Sent: Wednesday, February 22, 2017 5:36 PM

To: Benton, Donald <benton.donald@epa.gov>

Cc: Dan Wood <dan@wastatedairy.com>

Subject: Conference Call Dial-In

Thank you for the opportunity to brief you and other senior EPA officials on timely and important issues in Washington State.

Our Conference Call Service number is

1 **Non-responsive Conference Code/Ex.6**

In our call at 10 AM Eastern (7 AM Pacific), we will cover two items:

1. The illegal expenditure of funds by EPA and the “Whats Upstream?” campaign.
2. The actions of Region 10 EPA staff in violation of scientific standards, public records disclosure and professional standards in intimidating Yakima Valley (WA) dairies into a Consent Order.

The attached briefing papers contain our requested actions.

Briefing will primarily be from Dan Wood, Jay Gordon and Gerald Baron. Others (see below) will be available for questions and occasional brief comments or clarification.

Joining from Washington State will be:

Dan Wood, Executive Director of Washington State Dairy Federation

Jay Gordon, Policy Director of Washington State Dairy Federation

Gerald Baron, Executive Director of Save Family Farming

Dan DeRuyter, Adam Dolsen, and Henry Bosma, Yakima Valley Dairy Farmers

Chris Sybrandy, Dairy Farmer and President of Dairy Federation

We appreciate the opportunity to share with you this important information.

Sincerely,

Dan Wood

Executive Director

Washington State Dairy Federation

PO Box 1768 Elma, WA 98541

Dan@wastatedairy.com

360-870-6018.

It's OK to call any time – early, late, weekends are OK. Really.

To: Uli, Gabriella M. [REDACTED] **EOP/Ex. 6**
From: Benton, Donald
Sent: Mon 2/20/2017 10:34:13 PM
Subject: RE: Need White House Credentials

Beautiful. Thank you

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



8

From: Uli, Gabriella M. [REDACTED] **EOP/Ex. 6**
Sent: Monday, February 20, 2017 5:10 PM
To: Benton, Donald <benton.donald@epa.gov>
Cc: Murphy, Christine [REDACTED] **EOP/Ex. 6**
Subject: RE: Need White House Credentials

Hi Don,

We received the form pertaining to credentials late this afternoon. Christine will be sending the form to you shortly. To prepare you for Administrator Pruitt's form, a jpeg photo with a white background is required. The Administrator has irongate which eliminates going through security. He will be set for Wednesday.

Thanks,

Gabriella

From: Benton, Donald [<mailto:benton.donald@epa.gov>]

Sent: Monday, February 20, 2017 4:46 PM

To: Uli, Gabriella M. EOP/Ex. 6

Subject: Need White House Credentials

Gabriella,

Please forward this request to whoever is responsible for WH credentials. The new Administrator wants them asap as he is planning on going there on Wednesday

Pruitt Edward Scott
Tulsa OK

DOB/Ex. 6

SSN/Ex. 6

Y US M

Benton Donald Mark
Vancouver WA

Y US M

Thank you,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Gunn, Ashley L.
From: Benton, Donald
Sent: Mon 2/20/2017 10:22:17 PM
Subject: RE: I need a good email for pruit

EOP/Ex. 6

Ashley, You and I and Cabinet Affairs in general were the focus of a terrible foul mouthed tirade from Ryan Jackson last week and I have been ordered by him to never contact cabinet affairs again and just today to not call or contact the Administrator ever again. Both are ridiculous and this creates an untenable situation here.

What do I do?

Don
Senator Don Benton
Senior White House Advisor
Office of the Administrator
202.564.4711

-----Original Message-----

From: Gunn, Ashley L.
Sent: Thursday, February 9, 2017 3:14 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: Re: I need a good email for pruit

EOP/Ex. 6

You're the best! Thank you!!

Thank you,
Ashley Gunn
Senior Director
Cabinet Affairs
(202)881-8463


Please excuse typos. Sent from my iPhone

> On Feb 9, 2017, at 3:10 PM, Benton, Donald <benton.donald@epa.gov> wrote:

>
>

> Pruitt's contact is:

>  Personal Phone/Ex. 6

> His personal email is:  But this will only be active for a few more days.

>

> Don
> Senator Don Benton
> Senior White House Advisor
> Office of the Administrator
> 202.564.4711

>

>

> -----Original Message-----

> From: Gunn, Ashley L.
> Sent: Thursday, February 9, 2017 11:42 AM
> To: Benton, Donald <benton.donald@epa.gov>
> Subject: I need a good email for pruit

EOP/Ex. 6

>
> POTUS needs asap
>
> Thank you,
> Ashley Gunn
> Senior Director
> Cabinet Affairs
> **Ex. 6**
>
> Please excuse typos. Sent from my iPhone

To: Jackson, Ryan (Inhofe)[Ryan_Jackson@inhofe.senate.gov]
Cc: Gunn, Ashley L. EOP/WHO [EOP/Ex. 6]
From: Benton, Donald
Sent: Fri 2/17/2017 12:00:07 AM
Subject: Pruitt list for swearing in
[new swearing in.xlsx](#)

Ryan, This a is what I sent to them at 9am this morning. In addition I received a call late today from Michele (Pruitt's EX Secretary) asking to add Leonard Leo's wife, Sally Anne Leo of which I had no SSN. I have since received an SSN and am sending it over.

The lady that called Maria Marshall, indicated that she also wanted to add Judge Alito's wife. I do not have any of the vital information in order to do this.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Benton, Donald
Sent: Thursday, February 16, 2017 8:53 AM
To: 'Gunn, Ashley L.' [Ex. 6]
Subject:
Importance: High

Ashley,

Apparently there will be no other Secretary's being sworn in therefore Pruitt would like to have

all of these people attend.

Please let me know if this is not possible. I am told it is in the Sec of War room on the 2nd floor of EEOB, is that correct?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Mashburn, John K.
From: Benton, Donald
Sent: Thur 2/16/2017 7:56:42 PM
Subject: FW: Wyoming

EOP/Ex. 6

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Schwab, Justin
Sent: Thursday, February 16, 2017 2:26 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: Wyoming

DELIBERATIVE COMMUNICATION

DRAFT WHITE HOUSE COMMUNICATION

NOT SUBJECT TO FOIA

ATTORNEY-CLIENT AND WORK-PRODUCT PRIVILEGED AND CONFIDENTIAL

Deliberative Process Privilege/Ex. 5

Deliberative Process Privilege/Ex. 5

3. The right people at EPA, both political and career, lawyers and scientists, are looking at this. EPA Beachhead will receive a fuller briefing on our technical and legal options by the middle of next week. At that time, we will be able to provide a fuller assessment of the pros and cons of the options described above, and probably of other alternatives as well.

To: Schnare, David[schnare.david@epa.gov]
From: Benton, Donald
Sent: Mon 2/20/2017 10:01:00 PM
Subject: RE: Puget Sound NDZ [WARNING: DKIM validation failed]

ok

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Schnare, David
Sent: Saturday, February 18, 2017 3:36 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: Re: Puget Sound NDZ [WARNING: DKIM validation failed]

McCabe decided this was not a regulatory action and cleared it without passing it by me. I'll see what we can do on Tuesday.

Sent from my iPhone

On Feb 18, 2017, at 2:14 PM, Benton, Donald <benton.donald@epa.gov> wrote:

David, I was unaware we were authorized to be publishing this. I hope his information is inaccurate.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711

<image001.gif>

From: Charlie Costanzo [<mailto:CCostanzo@americanwaterways.com>]

Sent: Saturday, February 18, 2017 12:40 PM

To: Benton, Donald <benton.donald@epa.gov>; Ruff, Sandy <Sandy.Ruff@leg.wa.gov>;
doug.ericksen@leg.wa.gov

Cc: 'Clifford A. Webster (cwebster@carneylaw.com)' <cwebster@carneylaw.com>; 'Peter
Schrappen' <peter@nmta.net>; Doug Levy (Doug@outcomesbylevy.onmicrosoft.com)
<Doug@outcomesbylevy.onmicrosoft.com>; 'Young, Tom'

<Tom.Young@mail.house.gov>; 'colin.swanson@mail.house.gov'

<colin.swanson@mail.house.gov>; 'James Tupper' <tupper@tmw-law.com>; [gwirtz@clia-](mailto:gwirtz@clia-nwc.com)
nwc.com; 'Donna Spalding' <dspalding@clia-nwc.com>; Lynn Muench

<LMuench@americanwaterways.com>; Dorjets, Vlad

EOP/Ex. 6

EOP/Ex. 6

Subject: RE: Puget Sound NDZ [WARNING: DKIM validation failed]

Importance: High

Dear Senators Ericksen and Benton:

I received the attached copy of the attached prepublication of the February 21 Federal Register stating that EPA is moving ahead with a Final Affirmative Determination of the Puget Sound NDZ.

As you might understand, this is extremely disappointing and surprising given that we understood from several communications that the Determination would be subject to the regulatory freeze authorized by President Trump's January 20 directive.

At this point, we are wondering if anything can be done to hold this determination or roll it back until former RA Dennis McLerran's justification for determining the adequacy of pumpout capacity in Puget Sound for commercial vessels can be fully understood and evaluated.

Your assistance is urgently requested.

Thank you!

- Charlie

Charles P. Costanzo

Vice President – Pacific Region

The American Waterways Operators <image003.jpg>

5315 22nd Ave. NW

Seattle, WA 98107

www.americanwaterways.com

(206) 257-4723 (Office)

(203) 980-3051 (Mobile)

(866) 954-8481 (Fax)

From: Charlie Costanzo

Sent: Wednesday, February 15, 2017 9:59 AM

To: 'benton.donald@epa.gov' <benton.donald@epa.gov>; Ruff, Sandy
<Sandy.Ruff@leg.wa.gov>; 'doug.ericksen@leg.wa.gov' <doug.ericksen@leg.wa.gov>

Cc: 'Clifford A. Webster (cwebster@carneylaw.com)' <cwebster@carneylaw.com>; 'Peter Schrapen' <peter@nmta.net>; Doug Levy (Doug@outcomesbylevy.onmicrosoft.com)
<Doug@outcomesbylevy.onmicrosoft.com>

Subject: Puget Sound NDZ

Dear Senators Ericksen and Benton:

I write on behalf of The American Waterways Operators (AWO), the national trade association for the tugboat and barge industry, to ask for your assistance rolling back the Puget Sound No-Discharge Zone (NDZ), a badly misguided and procedurally-flawed joint regulatory proposal of the Dept. of Ecology and the EPA. The policy would force vessel owners to abandon federally-approved onboard sewage treatment systems despite the absence of scientific evidence to suggest these systems harm the marine environment in any way. The policy would force vessel owners to install holding tanks onboard the vessel and pump untreated sewage to a shore-based treatment system. For my industry alone, the regulation would cost operators over \$15 million and provide zero benefit to the environment.

On the evening before President Trump was inaugurated, EPA representatives called maritime industry advocates to let them know that then-EPA administrator Dennis McLerran had signed a determination that the capacity of shoreside facilities was sufficient to accommodate the regulated community. The determination should be invalidated because there is exactly one shoreside facility in all of Puget Sound (at the Port of Bellingham) that could even accommodate a typical tugboat, fish processor, or small cruise vessel. McLerran's determination was signed, and shortly after the inauguration Senator Benton confirmed to Cliff that the determination was subject to the President's regulatory freeze declaration of January 20 and that it will not be noticed in the Federal Register.

We are working to ensure that RA McLerran's determination is never noticed and that the Puget Sound NDZ, as promulgated by the Dept. of Ecology, is never implemented. It's bad policy and we can articulate better ways that the industry and regulators can achieve water quality improvement from onboard sewage treatment. We would love the opportunity to talk with you by phone or in person about this issue. It's extremely important for the

commercial and recreational boating community in Washington State. It even impacts which out of state vessels can trade in our waters.

I am copying in several other maritime industry advocates who worked over a period of years to persuade Ecology to adopt sensible NDZ policy for Puget Sound. They are Peter Schrappen of the Northwest Marine Trade Association (NMTA), Doug Levy from the Recreational Boaters of Washington, and Cliff Webster who works in Olympia for both AWO and NMTA. We have a much larger coalition of maritime industry groups that engaged on this issue with Ecology to no avail. I attach a letter that describes the coalition and our position. I also attach a letter from Rep. Dave Reichert to EPA urging them to exercise caution on this issue. It appears that EPA didn't take the Congressman's advice and instead opted for an 11th hour rulemaking.

Please let me know if you can find some time to meet with us or chat by phone. I'm happy to accommodate your schedule however works best.

Thank you so much!

- Charlie Costanzo

Charles P. Costanzo

Vice President – Pacific Region

The American Waterways Operators ☒

5315 22nd Ave. NW

Seattle, WA 98107

www.americanwaterways.com

(206) 257-4723 (Office)

(203) 980-3051 (Mobile)

(866) 954-8481 (Fax)

<removed.txt>

<2017-03353.pdf>

Charlie:

I heard from Senator Benton tonight. This was his reply to my inquiry:

Hi Cliff,

The answer is yes. ALL rules not yet published have been either pulled back or the publishing date has been extended 60 days. Broad brush strokes until we get a handle on the content of all of them. I expect my team will have them all reviewed in a week or two.

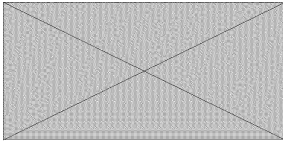
Also, Please use my official email for all official correspondence. I cannot and do not conduct official business on my personal computer.

Great to hear from you,

Don

Senator Don Benton

Senior White House Advisor-EPA



Clifford A. Webster

206-607-4162 Seattle | 360-357-6500 Olympia

Personal Phone/Ex. 6

[Bio](#) | [vCard](#) | [Address](#) | [Website](#)

cwebster@carneylaw.com

This e-mail contains confidential, privileged information intended only for the addressee. Do not read, copy, or disseminate it unless you are the addressee. If you are not the addressee, please permanently delete it without printing and call me immediately at (206) 622-8020.

From: Charlie Costanzo [<mailto:CCostanzo@americanwaterways.com>]

Sent: Thursday, January 26, 2017 9:13 PM

To: Webster, Cliff <cwebster@carneylaw.com>

Subject: Puget Sound NDZ

Let me know when you hear from Sens. Benton/Ericksen. We are eagerly anticipating feedback on that issue.

- Charlie

Charles P. Costanzo

Vice President – Pacific Region

The American Waterways Operators <

5315 22nd Ave. NW

Seattle, WA 98107

www.americanwaterways.com

(206) 257-4723 (Office)

Personal Phone/Ex. 6 (Mobile)

(866) 954-8481 (Fax)

<removed.txt>

To: jessica.e.ditto [REDACTED] **Ex. 6/EOP**
Cc: Konkus, John[konkus.john@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Jackson, Ryan (Inhofe)[Ryan_Jackson@inhofe.senate.gov]
From: Benton, Donald
Sent: Thur 2/16/2017 1:55:20 PM
Subject: Scott Pruitt on national television

Dear Jessica,

Has there been any progress on placing Administrator Pruitt on any of the National shows?

Thank you,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Schnare, David[schnare.david@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]
From: Benton, Donald
Sent: Mon 2/20/2017 9:58:32 PM
Subject: FW: Puget Sound NDZ [WARNING: DKIM validation failed]
[removed.txt](#)
[2017-03353.pdf](#)
[ATT00001.htm](#)
[removed.txt](#)

Do we know the reason this was not frozen?

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Benton, Donald
Sent: Monday, February 20, 2017 4:57 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Cc: Ericksen, Doug <ericksen.doug@epa.gov>
Subject: FW: Puget Sound NDZ [WARNING: DKIM validation failed]
Importance: High

Kevin, I think this communication from WA state should be handled by your office, not by me or Sen. Ericksen.

Thanks,

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Charlie Costanzo [<mailto:CCostanzo@americanwaterways.com>]

Sent: Saturday, February 18, 2017 12:40 PM

To: Benton, Donald <benton.donald@epa.gov>; Ruff, Sandy <Sandy.Ruff@leg.wa.gov>;
doug.ericksen@leg.wa.gov

Cc: 'Clifford A. Webster (cwebster@carneylaw.com)' <cwebster@carneylaw.com>; 'Peter Schrappen' <peter@nmta.net>; Doug Levy (Doug@outcomesbylevy.onmicrosoft.com) <Doug@outcomesbylevy.onmicrosoft.com>; 'Young, Tom' <Tom.Young@mail.house.gov>; 'colin.swanson@mail.house.gov' <colin.swanson@mail.house.gov>; 'James Tupper' <tupper@tmw-law.com>; gwirtz@clia-nwc.com; 'Donna Spalding' <dspalding@clia-nwc.com>; Lynn Muench <LMuench@americanwaterways.com>; Dorjets, Vlad EOP/OMB <Vladik_Dorjets@omb.eop.gov>

Subject: RE: Puget Sound NDZ [WARNING: DKIM validation failed]

Importance: High

Dear Senators Ericksen and Benton:

I received the attached copy of the attached prepublication of the February 21 Federal Register stating that EPA is moving ahead with a Final Affirmative Determination of the Puget Sound NDZ.

As you might understand, this is extremely disappointing and surprising given that we understood from several communications that the Determination would be subject to the regulatory freeze authorized by President Trump's January 20 directive.

At this point, we are wondering if anything can be done to hold this determination or roll it back until former RA Dennis McLerran's justification for determining the adequacy of pumpout capacity in Puget Sound for commercial vessels can be fully understood and evaluated.

Your assistance is urgently requested.

Thank you!

- Charlie

Charles P. Costanzo

Vice President – Pacific Region

The American Waterways Operators ■

5315 22nd Ave. NW

Seattle, WA 98107

www.americanwaterways.com

(206) 257-4723 (Office)

(203) 980-3051 (Mobile)

(866) 954-8481 (Fax)

From: Charlie Costanzo

Sent: Wednesday, February 15, 2017 9:59 AM

To: 'benton.donald@epa.gov' <benton.donald@epa.gov>; Ruff, Sandy
<Sandy.Ruff@leg.wa.gov>; 'doug.ericksen@leg.wa.gov' <doug.ericksen@leg.wa.gov>

Cc: 'Clifford A. Webster (cwebster@carneylaw.com)' <cwebster@carneylaw.com>; 'Peter
Schrappen' <peter@nmta.net>; Doug Levy (Doug@outcomesbylevy.onmicrosoft.com)
<Doug@outcomesbylevy.onmicrosoft.com>

Subject: Puget Sound NDZ

Dear Senators Ericksen and Benton:

I write on behalf of The American Waterways Operators (AWO), the national trade association for the tugboat and barge industry, to ask for your assistance rolling back the Puget Sound No-Discharge Zone (NDZ), a badly misguided and procedurally-flawed joint regulatory proposal of the Dept. of Ecology and the EPA. The policy would force vessel owners to abandon federally-approved onboard sewage treatment systems despite the absence of scientific evidence to suggest these systems harm the marine environment in any way. The policy would force vessel owners to install holding tanks onboard the vessel and pump untreated sewage to a shore-based treatment system. For my industry alone, the regulation would cost operators over \$15 million and provide zero benefit to the environment.

On the evening before President Trump was inaugurated, EPA representatives called maritime industry advocates to let them know that then-EPA administrator Dennis McLerran had signed a determination that the capacity of shoreside facilities was sufficient to accommodate the regulated community. The determination should be invalidated because there is exactly one shoreside facility in all of Puget Sound (at the Port of Bellingham) that could even accommodate a typical tugboat, fish processor, or small cruise vessel. McLerran's determination was signed, and shortly after the inauguration Senator Benton confirmed to Cliff that the determination was subject to the President's regulatory freeze declaration of January 20 and that it will not be noticed in the Federal Register.

We are working to ensure that RA McLerran's determination is never noticed and that the Puget

Sound NDZ, as promulgated by the Dept. of Ecology, is never implemented. It's bad policy and we can articulate better ways that the industry and regulators can achieve water quality improvement from onboard sewage treatment. We would love the opportunity to talk with you by phone or in person about this issue. It's extremely important for the commercial and recreational boating community in Washington State. It even impacts which out of state vessels can trade in our waters.

I am copying in several other maritime industry advocates who worked over a period of years to persuade Ecology to adopt sensible NDZ policy for Puget Sound. They are Peter Schrappe of the Northwest Marine Trade Association (NMTA), Doug Levy from the Recreational Boaters of Washington, and Cliff Webster who works in Olympia for both AWO and NMTA. We have a much larger coalition of maritime industry groups that engaged on this issue with Ecology to no avail. I attach a letter that describes the coalition and our position. I also attach a letter from Rep. Dave Reichert to EPA urging them to exercise caution on this issue. It appears that EPA didn't take the Congressman's advice and instead opted for an 11th hour rulemaking.

Please let me know if you can find some time to meet with us or chat by phone. I'm happy to accommodate your schedule however works best.

Thank you so much!

- Charlie Costanzo

Charles P. Costanzo

Vice President – Pacific Region

The American Waterways Operators ☒

5315 22nd Ave. NW

Seattle, WA 98107

www.americanwaterways.com

(206) 257-4723 (Office)

(203) 980-3051 (Mobile)

(866) 954-8481 (Fax)

To: Gunn, Ashley L.
From: Benton, Donald
Sent: Thur 2/16/2017 1:52:57 PM
[new swearing in.xlsx](#)

EOP/Ex. 6

Ashley,

Apparently there will be no other Secretary's being sworn in therefore Pruitt would like to have all of these people attend.

Please let me know if this is not possible. I am told it is in the Sec of War room on the 2nd floor of EEOB, is that correct?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Minoli, Kevin[Minoli.Kevin@epa.gov]
From: Benton, Donald
Sent: Thur 2/16/2017 1:37:14 PM
Subject: RE: Reuters: EPA staff told to prepare for Trump executive orders: sources

Thank you for this Kevin.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Minoli, Kevin
Sent: Wednesday, February 15, 2017 5:29 PM
To: Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>
Subject: Fwd: Reuters: EPA staff told to prepare for Trump executive orders: sources

Catherine, Mike, and Don-

If you have not seen this article yet I am sure you will. I wanted to make sure you knew what I said to my senior managers on Tuesday. I conveyed that if you have watched how confirmations have rolled out, people should be prepared that at some point close in time to the confirmation executive orders about our work to be signed. I certainly never said two to five because I would have no way of knowing that.

While I do not believe there is anything here that has not been reported before (other than the fact it was discussed), I now know how Don felt this morning and will have a conversation with these managers and adjust my approach with them.

Kevin

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

Begin forwarded message:

From: "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Date: February 15, 2017 at 5:15:19 PM EST
To: "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Subject: FW: Reuters: EPA staff told to prepare for Trump executive orders: sources

Fyi .. can you give me a quick call? thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

From: Konkus, John
Sent: Wednesday, February 15, 2017 5:02 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>
Subject: Fwd: Reuters: EPA staff told to prepare for Trump executive orders: sources

Sent from my iPhone

Begin forwarded message:

From: "Dorr, Kaelan K." [redacted] **EOP/Ex. 6**
Date: February 15, 2017 at 4:36:33 PM EST
To: "Konkus, John" <konkus.john@epa.gov>
Subject: FW: Reuters: EPA staff told to prepare for Trump executive orders: sources

From: Comms Alert [<mailto:CommsAlert@gop.com>]
Sent: Wednesday, February 15, 2017 4:35 PM
Subject: Reuters: EPA staff told to prepare for Trump executive orders: sources

EPA staff told to prepare for Trump executive orders: sources

Reuters

David Samuelsohn, Timothy Gardner & Richard Valdmanis

February 15, 2017 – 4:01 PM

http://www.reuters.com/article/us-usa-trump-epa-idUSKBN15U2MW?feedType=RSS&feedName=politicsNews&utm_source=Twitter&utm_medium=

Staff at the U.S. Environmental Protection Agency have been told that President Donald Trump is preparing a handful of executive orders related to the agency, to be signed once a new administrator is confirmed, two sources who attended the meeting told Reuters on Wednesday.

The sources, who asked not to be named, said a senior EPA official who had been briefed by members of the Trump administration mentioned the executive orders at a meeting of staffers in the EPA's Office of General Counsel on Tuesday, but did not provide details about what the orders would say.

"It was just a heads up to expect some executive orders, that's it," one of the sources said.

The second source said attendees at the meeting were told Trump would sign between two and five executive orders.

Trump's pick to run the EPA, Oklahoma Attorney General Scott Pruitt, is scheduled to face a Senate confirmation vote on Friday, according to a Senate aide, after a contentious hearing last month in which lawmakers pressed him on his ties to the oil industry. Pruitt sued the EPA more than a dozen times while he was the top prosecutor for the oil and gas producing state.

Trump has promised to cut U.S. environmental regulation as a way to bolster the drilling and coal mining industries, but has vowed to do so without compromising air and water quality. He has also expressed doubts about the science behind climate change and promised during his campaign to pull the United States out of a global pact to combat it.

Those positions have worried EPA staff, who are concerned his administration will cut the EPA's budget, critical programs, and scientific research.

A Trump administration official did not immediately respond to a request for comment.

To: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inchofe.senate.gov]
Bcc: ashley.L.gunn@epa.gov **EOP/Ex. 6**
From: Benton, Donald
Sent: Tue 2/7/2017 10:24:05 PM
Subject: RE: Contacting EPA staff

Ryan,

I understand. Many employees here are hostile to the new administration, including AG Pruitt and anyone associated with him and we cannot predict how they will interpret, so I am attempting to be extra cautious for all of us, you included. As soon as OPP gets their paperwork bottleneck moving it will be a moot point.

Thanks for understanding,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inchofe.senate.gov]
Sent: Monday, February 6, 2017 9:30 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: RE: Contacting EPA staff

Yes, I am, and no I don't think anyone misinterprets it as directing anyone.

From: Benton, Donald [mailto:benton.donald@epa.gov]

Sent: Monday, February 06, 2017 6:09 PM

To: Jackson, Ryan (Inhofe) <Ryan_Jackson@inhofe.senate.gov>

Subject: Contacting EPA staff

Ryan,

It has come to my attention that you are contacting career EPA staff as well as Beachhead team members with requests for information. I understand that you are only trying to collect info to help you do your job and to help AG Pruitt be better prepared, however this can be misinterpreted and perceived as you attempting to direct staff here, which of course you cannot do until you have received security clearance and approval from the PPO.

I have always been quick to respond to all of your requests to date and will continue to do so. Please direct any further requests for information through me until PPO has completed your onboarding process.

Thanks Very Much,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Mashburn, John K.
From: Benton, Donald
Sent: Wed 2/15/2017 9:01:51 PM
Subject: Speaking event and special swearing in

EOP/Ex. 6

John, The speaking event we discussed is next weekend not this Saturday

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Hale, Michelle[hale.michelle@epa.gov]
Cc: Michelle Hale[Personal Email/Ex. 6]
From: Benton, Donald
Sent: Sat 2/18/2017 8:42:29 PM
Subject: FW: Pruitt list for swearing in
new swearing in.xlsx

Michele, I am still sick that you were not on the list at the swearing in. I am forwarding you this email chain so you can see clearly that I had you on my list. I also added Clela Mitchell who was not on the earlier list RJ sent me.

Someone?? must have subsequently removed you and I think it is important that Scott knows it was not me.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Benton, Donald
Sent: Thursday, February 16, 2017 7:00 PM
To: 'Jackson, Ryan (Inhofe)' <Ryan_Jackson@inhofe.senate.gov>
Cc: 'Gunn, Ashley L. EOP/WHO' <EOP/Ex. 6>
Subject: Pruitt list for swearing in
Importance: High

Ryan, This is what I sent to them at 9am this morning. In addition I received a call late today from Michele (Pruitt's EX Secretary) asking to add Leonard Leo's wife, Sally Anne Leo of

which I had no SSN. I have since received an SSN and am sending it over.

The lady that called Maria Marshall, indicated that she also wanted to add Judge Alito's wife. I do not have any of the vital information in order to do this.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Benton, Donald

Sent: Thursday, February 16, 2017 8:53 AM

To: 'Gunn, Ashley L. EOP/WHO' <[REDACTED]> **EOP/Ex. 6**

Subject:

Importance: High

Ashley,

Apparently there will be no other Secretary's being sworn in therefore Pruitt would like to have all of these people attend.

Please let me know if this is not possible. I am told it is in the Sec of War room on the 2nd floor of EEOB, is that correct?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Flynn, Mike[Flynn.Mike@epa.gov]
From: Benton, Donald
Sent: Tue 2/7/2017 4:54:31 PM
Subject: RE: Climate Leadership Awards 2 3 2017 v2.docx

Thanks, Maybe check with Ethics too- Justina Fugh?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Flynn, Mike
Sent: Monday, February 6, 2017 8:01 PM
To: Benton, Donald <benton.donald@epa.gov>
Cc: Schnare, David <schnare.david@epa.gov>; Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov>
Subject: Re: Climate Leadership Awards 2 3 2017 v2.docx

Don,

I'll follow-up with the Air folks and then circle back to you on this.

Mike

Acting Deputy Administrator

U.S. Environmental Protection Agency

(202) 343-9356

On Feb 6, 2017, at 7:07 PM, Benton, Donald <benton.donald@epa.gov> wrote:

Mike,

Please follow up on a concern I have that 2 of these individuals are elected officials, one for sure is a partisan position and he would certainly use this award with our logo on it in his re-election materials. I have no idea who he is or what party but it concerns me with the heavy recent emphasis on the Hatch act and conflicts of interest.

We may be required to drop these 2 awards or to withdraw our financial support of the conference. Let me know,

Thanks,

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711

<image001.gif>

From: Flynn, Mike

Sent: Friday, February 3, 2017 5:58 PM

To: Benton, Donald <benton.donald@epa.gov>

Cc: Schnare, David <schnare.david@epa.gov>; McCabe, Catherine <McCabe.Catherine@epa.gov>

Subject: FW: Climate Leadership Awards 2 3 2017 v2.docx

Don, here's information you requested on the Climate Leadership Award event in early March.

Mike

Mike Flynn

Acting Deputy Administrator

U.S. Environmental Protection Agency

202-564-4711

To: Jackson, Ryan (Inhofe)[Ryan_Jackson@inhofe.senate.gov]; Schnare, David[schnare.david@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]
From: Benton, Donald
Sent: Wed 2/15/2017 8:16:14 PM
Subject: RE: Major Issues facing the Agency

Ryan,

We hold our BH team meetings every day at 4pm. Would it be possible to do it at 4:45? Or Later?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Wednesday, February 15, 2017 3:03 PM
To: Schnare, David <schnare.david@epa.gov>
Cc: Benton, Donald <benton.donald@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: Re: Major Issues facing the Agency

Are you available to talk at 4? Thereabouts.

Ryan Jackson

Chief of Staff

U.S. Senator James M. Inhofe
205 Russell Senate Office Bldg.
Washington, D.C. 20510
(202) 224-4721

On Feb 15, 2017, at 2:34 PM, Schnare, David <schnare.david@epa.gov> wrote:

Ryan and Scott:

Attached is the day one calendar. We will provide a week one calendar after we get a chance to chat on day one. Mostly the rest of the week is a question of how much time we need to spend on various program briefings.

The other major item attached is the issue piece that lays out the big items before the Agency and which require Administrator attention (and a piece showing what is not the Administrator's problem). Also attached are some tables about our litigation that are somewhat too lengthy to put into the memo but which are "next 30 day" litigation activities.

Our intent in this issues piece is to identify the big issues and provide a menu from which to select issues for deeper briefing.

dschnare

<OGC Deadlines 2-15-17.pdf>

<Enforcement Case Docket - Anticipated Litigation Deadlines Trials and Hearings Before April 30 2017 (2-14-17).docx>

<EPA Admin - 1st Day 022117v3.docx>

<Feb 15 Issues List v final.docx>

To: Uli, Gabriella M. EOP/Ex. 6
Bcc: benton@pacifier.com[benton@pacifier.com]
From: Benton, Donald
Sent: Sat 2/18/2017 8:30:22 PM
Subject: Benton request for next Sat meeting

Gabriella,
The 6 names for the activity we discussed for next Saturday are as follows:

Tamara Newell
John Newell
Harper Newell (male)
Annabelle Newell
Mary Benton
Don Benton

Thanks so much,
Don
Senator Don Benton
Senior White House Advisor
Office of the Administrator
202.564.4711

To: Mashburn, John K. **EOP/Ex. 6**
From: Benton, Donald
Sent: Wed 2/15/2017 2:53:39 PM
Subject: Governor West Virginia /Stream blockage violations FYI
Justice Consent Decree Background.docx
ENV DEFENSE-#795693-v1-Turkey Creek 2 10 17 Letter to Justice Defendant....pdf

John, I mentioned this in my report on Monday. Here are the details and a copy of the letter that was sent to him on the 10th.

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Mashburn, John K. EOP/WHO
From: Benton, Donald
Sent: Tue 2/14/2017 3:46:29 PM
Subject: FW: EOC Spot Report: Region 9, Potential Emergency Spillway Failure, Oroville, CA - Update #1

EOP/Ex. 6

John,

Do not know if you get these but this is the very latest on Oroville Dam. Evacuation will continue for 190,000 residents for at least 4 or 5 days with additional storms forecasted for the 15th thru 20th.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Eoc, Epahq
Sent: Tuesday, February 14, 2017 10:38 AM
Subject: EOC Spot Report: Region 9, Potential Emergency Spillway Failure, Oroville, CA - Update #1

This report is being sent as a bcc to prevent accidental Reply to All messages.

UNCLASSIFIED//FOR OFFICIAL USE ONLY



EOC Spot Report: Region 9, Potential Emergency Spillway Failure, Oroville, CA - Update #1

U.S. Environmental Protection Agency

Report as of February 14, 2017 at 10:30 ET

Overview: At 1935 EST on February 12, the California Department of Water Resources (DWR) reported severe erosion on the emergency spillway at the Oroville Dam in Oroville, CA caused by its extensive use over the past few days. The threat of collapse of the spillway due to erosion is now diminished because water is no longer spilling over the area of concern, but structural assessments are taking place to determine the extent of current damage. DWR increased flows down the main spillway's damaged concrete chute to 100,000 cubic feet per second with the goal to reduce the depth in Oroville Lake by 50 feet by February 18. Current releases remain within the capacity of downstream channels. DWR has begun making short term repairs to the emergency spillway by dropping super sacks of riprap by helicopter into the eroded areas. Oroville Dam is a separate structure from the emergency spillway and remains sound.

Local officials ordered the mandatory evacuation of approximately 190,000 people in the path of a potential release from the emergency spillway. Evacuations are expected to remain in effect for an additional four to five days. Twenty shelters have now been opened with an occupancy of 3,680 people. Shelter numbers are expected to increase as evacuations remain in effect. State officials reported they did not expect the flows to cause flooding in Oroville or other communities downstream. There are currently no reported injuries or fatalities.

A series of storm systems will begin to affect California on Wednesday, February 15 and persist through the middle of next week. The first system, Wednesday night into Thursday, will bring a brief period of rain and mountain snow, with rainfall totals expected to be around one half of an inch, and snowfall accumulations of several inches at the higher elevations of the Sierra Mountains. A relatively stronger and much colder storm system is expected to impact the State Friday into Friday night, followed by continued active weather marked by periods of light-to-moderate precipitation through the middle of next week. Friday and Friday night's precipitation may lead to additional runoff of reservoirs, rivers and streams, but is not expected to be nearly significant as last week's rainfall.

State, Local and other Federal Agency Actions: The FEMA National Response Coordination Center (NRCC) activated to Level II and is conducting 24/7 operations. The FEMA Region IX Regional Response Coordination Center (RRCC) is at Level II for the Day Shift and Level III for the Night Shift. FEMA Region IX deployed an Incident Management Assistance Team to the State staging area at Chico Airport and one Liaison Officer to the California State EOC in Sacramento, CA.

The California State EOC remains at full activation where Emergency Support Functions (ESF) 1,3,7,8 and 10 have been activated. The Governor of California declared States of Emergency for Butte, Sutter and Yuba counties on February 13. The California National Guard has been placed on alert in order to support relief efforts in the Oroville area. No Federal disaster declaration has been made.

There are five potentially impacted Tribes in the area and the Bureau of Indian Affairs is sending our representatives to the Tribes to gather information.

EPA Actions: EPA Region 9 is staffing the ESF-10 desk at FEMA's RRCC and has stood up a small situation unit in the Regional Emergency Operations Center. EPA Region 9 is monitoring National Priorities List (NPL) sites in the area and have provided data on wastewater treatment plants and drinking water plants in the area that may be vulnerable to flooding. The Koppers Co, Inc. NPL site in Oroville, CA was a former wood treatment facility; the remedy includes a pump and treat system for contaminated groundwater and two engineered cells for on-site disposal of contaminated soil. EPA Region 9 will complete a "data pull" for oil and hazardous material facilities downstream of the Oroville Dam to provide to FEMA and the California Office of Emergency Services (OES).

If there is catastrophic flooding south of the Oroville Dam related to this incident, it will be difficult to access the area until the floodwaters recede. If EPA is issued a mission assignment (MA) under a Federal disaster declaration, that MA will likely be to collect orphan drums and tanks and to address any oil or hazardous material releases.

Media Interest: High

https://www.washingtonpost.com/news/morning-mix/wp/2017/02/13/not-a-drill-thousands-evacuated-in-calif-as-oroville-dam-threatens-to-flood/?utm_term=.8775815afb9b

https://www.nytimes.com/2017/02/14/us/california-today-lake-oroville.html?_r=0

<http://www.krcrtv.com/news/local/butte/evacuation-orders-for-low-levels-of-oroville/330519833>

<http://www.reuters.com/article/us-california-dam-idUSKBN15S04W>

Note: The HQ EOC will continue to monitor and provide updates as needed

Steve Ridenour, Senior Watch Officer

U.S. Environmental Protection Agency

Headquarters Emergency Operations Center

1200 Pennsylvania Ave. N.W.

Washington, DC 20004

202-564-3850

<mailto:eoc.epahq@epa.gov>

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Benton, Donald
Sent: Mon 2/6/2017 11:49:02 PM
Subject: FW: Cabinet Affairs Contact Information
Template Daily Comms Report.docx
WH Contacts for Beachheads.xlsx

Don
Senator Don Benton
Senior White House Advisor
Office of the Administrator
202.564.4711

-----Original Message-----

From: McBride, Emily J. EOP/WHO [REDACTED] **EOP/Ex. 6**
Sent: Saturday, January 28, 2017 7:34 PM
To: McGinley, William J. EOP/WHO [REDACTED] **EOP/Ex. 6**
Cc: Ditto, Jessica E. EOP/WHO [REDACTED] **Ex. 6**; DeStefano, John J. EOP/WHO [REDACTED] **EOP/Ex. 6**
Subject: RE: Cabinet Affairs Contact Information

Hi everyone,

Some people are reporting that these two documents aren't opening on their computers, so give these a try. Let me know if they still aren't working and we'll figure it out.

Thanks,

Emily J. McBride
Assistant to the Cabinet Secretary
Office of Cabinet Affairs
The White House

EOP/Ex. 6

-----Original Message-----

From: McBride, Emily J. EOP/WHO
Sent: Saturday, January 28, 2017 6:37 PM
To: McGinley, William J. EOP/WHO [REDACTED] **EOP/Ex. 6**
Cc: Ditto, Jessica E. EOP/WHO [REDACTED] **Ex. 6**; DeStefano, John J. EOP/WHO [REDACTED] **EOP/Ex. 6**
Subject: Cabinet Affairs Contact Information

Hi everyone,

Thanks for coming in for the meeting today. Attached is a contact sheet for Cabinet Affairs and other relevant White House contacts.

Additionally, the Cabinet Affairs press team has attached a template for a daily communications report and a blank comms contact sheet that we would like returned so that we can have all the contact information for your department's/agency's communications staff.

Please remember to send us your agency calendars and organization charts by COB Tuesday. Don't hesitate to contact me with any questions. Have a great weekend!

Emily J. McBride

Executive Assistant to the Cabinet Secretary Office of Cabinet Affairs The White House

EOP/Ex. 6

[CABINET]
WASHINGTON

Date

DAILY COMMUNICATIONS REPORT

TO: White House Cabinet Affairs Communications

FROM:

SUBJECT: Communications Update

Inquiries

- Outlet – inquiry – status
-

Top Stories

- Link to news of the day

Top Issues and Accomplishments

- *[Use this section to give brief points on the policies, accomplishments, and issues of the day.]*

White House Cabinet Affairs

Title	Name	Work Cell	Desk Phone
Cabinet Secretary	Bill McGinley	Personal Email/Ex. 6	
Executive Assistant to the			
Cabinet Secretary	Emily McBride		
Senior Director	Ashley Gunn		
Deputy Cabinet Secretary	John Mashburn		
Executive Assistant	Gabriella Uli		

E-Mail

William.J.McGinley (Personal Email/Ex. 6)

Emily.J.McBride (Personal Email/Ex. 6)

Ashley.L.Gunn (Personal Email/Ex. 6)

John.K.Mashburn (Personal Email/Ex. 6)

Gabriella.M.Ul (Personal Email/Ex. 6)

White House Communications for Cabir

Title	Name	Phone
Deputy Communications Director	Jessica Ditto	<div>Personal Email/Ex. 6</div>
Strategic Communications Advisor and Special Projects Manager	Kaelan Dorr	
Assistant Director of Cabinet Communications	Brad Rateike	

net Affairs

E-Mail

Jessica.E.Ditto [Personal Email/Ex. 6]

Kaelan.K.Dorn [Personal Email/Ex. 6]

Bradley.A.Rateike [Personal Email/Ex. 6]

White House PPO

Title	Name	Phone	Email
Director	Johnny DeStefano		Personal Email/Ex. 6
	Sean Doocey	Personal Email/Ex. 6	Personal Email/Ex. 6
	John Roscoe		

White House Intergovernmental Affairs

Title	Name	E-Mail
Director	Justin Clark	Personal Email/Ex. 6
Executive Assistant to the Director	Julia Johnson	

To: Mashburn, John K. EOP/WHO
From: Benton, Donald
Sent: Tue 2/14/2017 3:43:00 PM
Subject: need phone conversation

EOP/Ex. 6

High John,

Dave Schnare and I would like to get your advice and input in a 5-7 minute phone call today when you can. Call now if you can. We go in to an 11 am that should finish at 11:40 and we have a hard 2pm. Otherwise we will change up our schedule to speak with you. My desk phone is 202-564-3019.

Thank you,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Uli, Gabriella M. EOP/WHC [Redacted] **EOP/Ex. 6**
From: Benton, Donald
Sent: Mon 2/6/2017 11:41:58 PM
Subject: RE: Cabinet Affairs Beachhead Leads Meeting 2/4

All correct

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Uli, Gabriella M. EOP/WHO [Redacted] **EOP/Ex. 6**
Sent: Friday, February 3, 2017 11:02 AM
To: Benton, Donald <benton.donald@epa.gov>
Subject: RE: Cabinet Affairs Beachhead Leads Meeting 2/4

Hi Don,

Thanks for your call this morning. Will you confirm that the information below is correct?

First Name	Middle Name	Last Name	DOB	Work Email	US Citizen	SSN	Gender	City of Residence	State of Residence	Country	Work Phone
Donald	Mark	Benton	[Redacted]	benton.donald@epa.gov	Yes	[Redacted]	[Redacted]	Personal Matters/Ex. 6	[Redacted]	[Redacted]	Personal Matters/Ex. 6

Thanks!

-----Original Message-----

From: Benton, Donald [<mailto:benton.donald@epa.gov>]

Sent: Thursday, February 2, 2017 2:48 PM

To: Uli, Gabriella M. EOP/WHO [REDACTED] **EOP/Ex. 6**

Subject: RE: Cabinet Affairs Beachhead Leads Meeting 2/4

Gabriella, Do you have my vitals from the last meeting or do you need them again?

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711

-----Original Message-----

From: Uli, Gabriella M. EOP/WHO [REDACTED] **EOP/Ex. 6**

Sent: Thursday, February 2, 2017 2:37 PM

Cc: McGinley, William J. EOP/WHO [REDACTED] **EOP/Ex. 6** McBride, Emily J.

EOP/WHO [REDACTED] **EOP/Ex. 6** Mashburn, John K. EOP/WHO

[REDACTED] **EOP/Ex. 6** Gunn, Ashley L. EOP/WHO

Subject: Cabinet Affairs Beachhead Leads Meeting 2/4

Good afternoon beachhead leads,

I want to let you know, we will be holding a mandatory meeting on Saturday, February 4th at 3 pm. If you have a time conflict, have your deputy or liaison attend. Please notify me as I will need to clear people through the USSS system.

Plan to arrive at least 20 minutes in advance to go through security and get settled. Meet at the security access point on State and 16th St. and we will escort the group by 2:50 pm. Room location is EEOB 210/212. Do not be late.

Feel free to reach out with any questions you may have.

Thank you.

Gabriella Uli

WH Cabinet Affairs

EOP/Ex. 6

To: Munoz, Charles[munoz.charles@epa.gov]
From: Benton, Donald
Sent: Mon 2/6/2017 11:39:00 PM
Subject: FW: LT-SES Appointments

Are we good?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Doocey, Sean E. EOP/WHO **EOP/Ex. 6**
Sent: Friday, February 3, 2017 4:39 PM
To: Doocey, Sean E. EOP/WHO <**EOP/Ex. 6**>
Cc: Ricardel, Mira EOP/WHO <**EOP/Ex. 6**> Roscoe, John M. EOP/WHO
EOP/Ex. 6 Locetta, Jennifer R. EOP/WHO
>; Walsh, Erin E. EOP/WHO
>; Bullock, Katja EOP/WHO **EOP/Ex. 6**
Subject: LT-SES Appointments

WH Liaisons (bcc'd):

We are not yet ready to begin converting the beachhead LT-SES appointments to NC-SES.

OPM will grant a 30 day extension for all LT-SES appointments, but the request must be

made individually by each Department. Please email OPM White House Liaison Aaron Willard and make the request for your agency Ex. 6.

Have a great weekend.

Thanks, Sean

To: Peacock, Marcus C. EOP/OMB
From: Benton, Donald
Sent: Mon 2/6/2017 10:38:42 PM
Subject: RE: OIRA now EPA

EOP/Ex. 6

Thank you Marcus, I will connect with him tomorrow.

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Peacock, Marcus C. EOP/OMB
Sent: Monday, February 6, 2017 2:02 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: OIRA now EPA

EOP/Ex. 6

Don,

You asked me if there were any former OIRA (OMB reg review office) folks now at EPA. Richard Mattick was on detail to OIRA for over two years and is now in OLEM. He might be a good person to talk to.

Marcus

To: EOP/Ex. 6 William McGinley
From: Benton, Donald
Sent: Mon 2/6/2017 10:37:39 PM
Subject: Confirmation/Swearing in

Bill, Need some direction. Please try to find out the following as we are trying to organize our plan.

1. Will AG Pruitt be sworn in here, the White House or at a remote location. I recommend West Virginia with coal miners and Manchin in attendance. Please run this idea up the flagpole. I want to attend also.
2. Will there be, as with others, the signing of Executive Orders with the swearing in (we have several teed up but need to know by phone which ones are going to be signed.

We really need these answers for us to plan a successful event or participate with WH advance to insure a successful event. General Pruitt is planning on having his family and some family friends present which we will need to clear through the Secret Service, etc.

I had another issue I need to elevate if you could call me at your convenience this evening.

Personal Phone/Ex. 6

Personal Phone/Ex. 6

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To:
EOP/W
Cc:

EOP/Ex. 6

From: Benton, Donald
Sent: Mon 2/6/2017 8:54:33 PM
Subject: Black History and Women's history at the EPA and in the Regional offices
Black History and Women's History Months.docx

Per your request Black History and Women's history info attached.

Also, I need to fly home to WA state on Friday this week. David Schnare, my counsel on the BH team, will do the Cabinet Affairs call on Friday and Charles Munoz, the WH liaison, will attend the meeting on Saturday in my stead. I will send his vitals to Emily/Gabriella so they can arrange clearance. I am always available on my mobile should either of you need me for any reason

Personal Phone/Ex. 6

Personal Phone/Ex. 6

Thanks,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Mashburn, John K. EOP/WHO
From: Benton, Donald
Sent: Mon 2/6/2017 4:43:19 PM
Subject: Cabinet call today

EOP/Ex. 6

John,

My liaison is **Ex. 6 Personal Privacy (PP)** and Congressman Calvert (Chair Interior Approps) is visiting today from 1 to 3pm so I cannot be on today's call. I am making my report today in written form.

My report is as follows:

Deliberative Process Privilege/Ex. 5

The other issue is planning for Attorney General Pruitt's swearing in after confirmation. I have a team working on all of the logistics for this, for day 1 and week 1 and we really need to know the White House plan. Will it be here or at the WH or somewhere else? Please try to get us some feedback on this.

Black History month and Woman's history month details will follow by close of business today.

Let me know if you need anything from me,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Gunn, Ashley L. EOP/WHO[**Personal Email/Ex. 6** ✓]
From: Benton, Donald
Sent: Mon 2/13/2017 10:48:17 PM
Subject: do not forward-private

Ashley, This is the correspondence I had with Ryan. Pruitt's Secretary sent a list of 22 people, this list from Ryan has 11 plus me as I intend to be there also.

I will ask her if anyone else on her list that is not on his is absolutely critical.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Benton, Donald
Sent: Monday, February 13, 2017 5:31 PM
To: 'Jackson, Ryan (Inhofe)' <Ryan_Jackson@inhofe.senate.gov>
Subject: RE: ESP First Weeks

Ryan, I doubt that 10 people will be a problem. I will check. What about Michele, I don't see her on the list? The White House determines the ceremonial and the event for the signing of the EO's. Perhaps they will only do the EO signing. I'm quite sure that is not yet determined. I will let you know the second they tell me. I do not yet know the name of the room they are using.

We can do the Bay visit anytime you pull the trigger. We will need some advance to invite the

Governor, etc.

Also, we have had some interest from some elected attending the Green Room speech on Friday.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]

Sent: Monday, February 13, 2017 4:49 PM

To: Benton, Donald <benton.donald@epa.gov>

Cc: patrick.wyrick@gmail.com

Subject: RE: ESP First Weeks

I will get back with you on the itinerary for CHK bay. Thanks for providing.

In what room does the swearing in happen? I'm unsure a ceremonial swearing in will be necessary. If not all on this list can get in then they understand, but as of today they are already in town. It's 10 people including the nominee and his family. I think that can be accommodated.

Dawn Michelle Hale

Personal Matters/Ex. 6

Donald Mark Benton

Personal Matters/Ex. 6

Cleta Mitchell

Personal Matters/Ex. 6

Edward Scott Pruitt

Personal Matters/Ex. 6

Margaret Lloyd Pruitt

Personal Matters/Ex. 6

McKenna Rachel Pruitt

Personal Matters/Ex. 6

Caden Scott Pruitt

Personal Matters/Ex. 6

Crystal Lynn Coon

Personal Matters/Ex. 6

Kenneth Edward Wagner

Personal Matters/Ex. 6

Samantha Dravis

Personal Matters/Ex. 6

Patrick Wyrick

Personal Matters/Ex. 6

Lincoln Ross Ferguson

Personal Matters/Ex. 6

From: Benton, Donald [<mailto:benton.donald@epa.gov>]
Sent: Monday, February 13, 2017 4:00 PM
To: Jackson, Ryan (Inhofe) <Ryan_Jackson@inhofe.senate.gov>
Cc: patrick.wyrick@gmail.com
Subject: RE: ESP First Weeks

Ryan,

I have attached a draft itinerary. I was under the impression that going to Chesapeake Bay was your idea for positive publicity and have been working to accommodate it. If you have changed your mind and don't want him to go, that is good too. Just let me know, I am here to serve. Also, looks like the paperwork for your appointment is finally moving through the system at OPP. Won't be ready by Friday, but you can still join us as my guest until we can get you an ID badge.

Also, I have been advised by the White House that space will be limited for the swearing in and that VPOTUS will be doing 6 Secretaries during a very short time frame and they cannot accommodate a large crowd from each designee. They want to schedule a ceremonial swearing in at the agency where everyone can attend. This would likely be sometime within the first two weeks where POTUS will also attend to sign the Executive Orders.

I think this is good news to have a little time for Scott to get to know folks here and build a rapport before we launch into the implementation of the EO's which will surely be a bit contentious.

Let me know what else you need. Give me your feedback on the itinerary. We could do this the second week also or anytime Scott wants to.

Also, We have been working to change up the schedule based on your feedback to David Schnare. He will get you a new copy later today or tomorrow.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]

Sent: Saturday, February 11, 2017 11:41 PM

To: Benton, Donald <benton.donald@epa.gov>

Subject: Re: ESP First Weeks

No, I asked if you would provide a draft of what he could do when he goes.

Ryan Jackson

Chief of Staff

U.S. Senator James M. Inhofe

205 Russell Senate Office Bldg.

Washington, D.C. 20510

(202) 224-4721

On Feb 11, 2017, at 6:58 PM, Benton, Donald <benton.donald@epa.gov> wrote:

Perfect! We are preparing for him to make remarks on the following Tuesday at the Chesapeake Bay office. Is this still the plan for him to visit there and make a speech?

Don

Sent from my iPad

On Feb 11, 2017, at 3:22 PM, John Konkus <**Personal Address/Ex. 6**> wrote:

We will have an EPA camera in there and will stream the remarks live across the EPA network. Then we can take the highlights of the speech and edit them for a video we can put out after the speech. It will look really good.

John Konkus

On Feb 11, 2017, at 5:55 PM, Benton, Donald <benton.donald@epa.gov> wrote:

How about we bring a camera and videotape those remarks in the green room Friday morning and put those out agency wide on Friday for all employees?

Don

Sent from my iPad

On Feb 11, 2017, at 2:37 PM, Jackson, Ryan (Inhofe)
<Ryan_Jackson@inhofe.senate.gov> wrote:

He doesn't want to do the video because he plans to do the remarks which all Cabinet secretaries give when they arrive. Because he's arriving on Friday

morning he doesn't want to wait until Tuesday to deliver those remarks. We are expecting the remarks to be given to senior staff and others invited to the green room Friday.

Because he's delivering remarks, he doesn't believe taping a video saying that he's now in the building and eager to meet and work with everyone makes sense.

He would like to pursue the press options for the weekend so actually delivering the remarks to staff when he arrives encompassing what he would like to do plus eager to work with them then following that up with press interviews is what he's set on.

From: Benton, Donald [<mailto:benton.donald@epa.gov>]

Sent: Friday, February 10, 2017 8:57 PM

To: Jackson, Ryan (Inhofe) <Ryan_Jackson@inhofe.senate.gov>

Cc: Schnare, David <schnare.david@epa.gov>; John Konkus

Personal Email/Ex. 6 'Samantha Dravis'

Personal Email/Ex. 6

; Crystal

Drwenski <cdrwenski@me.com>; Patrick Wyrick

Personal Email/Ex. 6

Munoz, Charles

<munoz.charles@epa.gov>; **Personal Email/Ex. 6**

Subject: Re: ESP First Weeks

Ryan,

Thank you for the terrific feedback, we will work to implement the changes General Pruitt wants. In terms of the video and his message to the EPA staff, there is no facility here large enough to house all of them for an in person speech. In addition, a written statement does not allow his full personality to come through. Please revisit the video option. He can do it in our studio on the sixth floor which is equipped with a Teleprompter and is the best way to reach all employees in the agency, not only here in DC, but in the regions as well. The video will be put up on the intranet agency site for all employees to see immediately and will be there for those returning to work after the holiday as well. It is the fastest and longest lasting way to communicate agency wide. Also the most effective form. It will also be on you tube and media will pick it up too. He may want to plan on doing it periodically going

forward.

Of course we will do whatever he decides. Cannot wait for him to get here!

Don

Don Benton

SWHA

Sent from my iPad

On Feb 10, 2017, at 3:44 PM, Jackson, Ryan (Inhofe)
<Ryan_Jackson@inhofe.senate.gov> wrote:

I received some good feedback from Pruitt on the first days schedule.

I need to revisit some of the scheduling, but some of the biggest changes are the following:

Instead of giving a video, he would rather have his remarks for the staff prepared to deliver on Friday. He is aware that Friday is a slow day at the agency with flex time and with Monday being a federal holiday it may make it worse, but he's not comfortable waiting until Tuesday to deliver the remarks. He wants to deliver a vision and positive remarks to the employees Friday at a time we determine, keep the Strassel interview so a piece appears in the weekend WSJ, and pitch to Fox News Sunday or another Sunday show. He would stay in town for the Sunday show to do in studio.

He would like to have his initial policy meeting focusing on what our steps are going to be to implement the EOs. I've received more final text on them and although these will be controversial it's not unexpected and I believe reasonably addressed in any response, questions, or interviews.

I mentioned the first 30 days of decisions and meeting about that. He suggested that we get that document early next week so he could read it

before going in the building to determine what he would like to ask about and what he would like to immediate delegate.

He understands the introductions with staff and the extended time with the program offices, but we may need to cap those at half an hour or simply shorter time than what we have on the draft schedule.

It was a good discussion. He's very engaged and eager to get to the meat of the job.

David, I'll get back with you on an edited schedule per my conversation with Pruitt. On the press side, we need to pitch to Fox News Sunday and set up the employee speech and it's coverage for Friday.

Thanks.

From: Jackson, Ryan (Inhofe)

Sent: Friday, February 10, 2017 2:02 PM

To: 'Benton, Donald' <benton.donald@epa.gov>; 'schnare.david@epa.gov' <schnare.david@epa.gov>; 'John Konkus'

Personal Email/Ex. 6 'Samantha Dravis'

Personal Email/Ex. 6 Dravis >; 'Crystal

Drwenski' <**Personal Email/Ex. 6** Patrick Wvrick

Personal Email/Ex. 6

munoz.charles@epa.gov

Cc: **Personal Email/Ex. 6**

Subject: ESP First Weeks

Attached is a edit of the document that David and EPA staff put together for Pruitt combined with contributions from John Konkus, Samantha (CPAC responsibilities), and the lead up to the first week.

Could you review to ensure it encompasses what you need and envision for Pruitt to do before I talk with Pruitt about this this afternoon?

To: Campau, Anthony [REDACTED] Schwab,
Justin[schwab.justin@epa.gov]
Cc: Dankert, Charles M. EOP/OMB [REDACTED] Schnare,
David[schnare.david@epa.gov]
From: Benton, Donald
Sent: Mon 2/13/2017 4:43:15 PM
Subject: RE: WH COS Letter from Chairman Barrasso

Justin, Please speak with David. He has additional information on this. Apparently was as a result of a consent decree.

Thanks,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Campau, Anthony [REDACTED]
Sent: Monday, February 13, 2017 10:24 AM
To: Schwab, Justin <schwab.justin@epa.gov>
Cc: Dankert, Charles M. EOP/OMB [REDACTED]; Benton, Donald
<benton.donald@epa.gov>; Schnare, David <schnare.david@epa.gov>
Subject: RE: WH COS Letter from Chairman Barrasso

Thank you, Justin.

Anthony

From: Schwab, Justin [<mailto:schwab.justin@epa.gov>]
Sent: Monday, February 13, 2017 10:15 AM
To: Campau, Anthony <[REDACTED] EOP/Ex. 6>
Cc: Dankert, Charles M. EOP/OMB <[REDACTED] EOP/Ex. 6>; Benton, Donald
<benton.donald@epa.gov>; Schnare, David <schnare.david@epa.gov>
Subject: Re: WH COS Letter from Chairman Barrasso

I can engage DOJ on this today.

Sent from my iPhone

On Feb 13, 2017, at 10:13 AM, Campau, Anthony <[REDACTED] EOP/Ex. 6> wrote:

Team,

Deliberative Process Privilege/Ex. 5

Thanks,

Anthony

From: Dankert, Charles M. EOP/OMB
Sent: Monday, February 13, 2017 9:58 AM
To: Benton, Donald <benton.donald@epa.gov>
Cc: Schnare, David <schnare.david@epa.gov>; Campau, Anthony
<[REDACTED] EOP/Ex. 6>; Schwab, Justin <schwab.justin@epa.gov>
Subject: WH COS Letter from Chairman Barrasso

Morning Don,

FYI: you were cc'd on this letter to the White House. I want to make sure you are aware on this.

We are taking another look at this and other similar situations now.

Thanks,

Charlie Dankert

EOP / OMB BEACHHEAD

EOP/Ex. 6

Cc: Bremberg, Andrew P. EOP/WHO[A
To: Schnare, David[schnare.david@epa.gov]
From: Benton, Donald
Sent: Sun 2/12/2017 1:37:54 AM
Subject: CAFE

Andrew, I understand you and David have talked and are now on the same page. With Pruitt not being confirmed until Thursday now, what is the timetable for filing the notice?

Don

Don Benton

SWHA-EPA

Sent from my iPad

On Feb 9, 2017, at 1:30 PM, Schnare, David <schnare.david@epa.gov> wrote:

Andrew

I don't know what you have seen. Can you have your staff send it to me?

dschnare

Sent from my iPhone

On Feb 9, 2017, at 4:16 PM, Bremberg, Andrew P. EOP/WHO

EOP/Ex. 6

wrote:

Thanks. Is it that much different from what I have seen?

From: Benton, Donald [mailto:benton.donald@epa.gov]

Sent: Thursday, February 9, 2017 3:08 PM

To: Bremberg, Andrew P. EOP/WHO <
EOP/Ex. 6

Cc: Schnare, David <schnare.david@epa.gov>

Subject: RE: contact info

Andrew,

David will not finish the draft until tomorrow morning and will send it to you then.

Pruitt's contact is **Personal Phone/Ex. 6**

Personal Phone/Ex. 6

Thanks,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711

<image001.gif>

From: Bremberg, Andrew P. EOP/WHO [
Sent: Thursday, February 9, 2017 11:12 AM
To: Benton, Donald <benton.donald@epa.gov>
Subject: contact info

EOP/Ex. 6

To: Pugliese, Anthony (OST)[anthony.Pugliese@dot.gov]
From: Benton, Donald
Sent: Sun 2/12/2017 12:05:46 AM
Subject: Re: Media inquiry

Thank you

Sent from my iPad

On Feb 10, 2017, at 12:21 PM, Pugliese, Anthony (OST) <anthony.Pugliese@dot.gov> wrote:

Friends,

The Washington Post somehow got my personal cell phone and is digging around asking for information on Senior White House Advisors. I declined to comment and referred all questions to White House communications. I imagine others may get a similar call and wanted to give you a heads up.

Anthony Pugliese
Senior White House Advisor
U.S. Department of Transportation

On Feb 10, 2017, at 1:06 PM, Kasper, Maren M <Maren.M.Kasper@hud.gov> wrote:

Hi all – we had mentioned moving our “internal” weekly to the same day as our cabinet affairs meeting.

Therefore, for tomorrow, lets plan to stick around after the formal meeting to debrief and catch up. Please forward to others I’ve missed.

Thanks!

Maren

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Benton, Donald
Sent: Fri 2/3/2017 8:03:00 PM
Subject: FW: Cabinet Affairs Contact Information
WH Contacts for Beachheads.xlsx

Check multiple tabs for press contact.

Don
Senator Don Benton
Senior White House Advisor
Office of the Administrator
202.564.4711

-----Original Message-----

From: McBride, Emily J. EOP/WHO **Ex. 6**
Sent: Wednesday, February 1, 2017 1:27 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: RE: Cabinet Affairs Contact Information

Hi Don,

Sorry you're having issues with the attachment! Here it is again. Let me know if it doesn't work.

And here's Jessica's info that I pulled from the attached sheet:

Deputy Communications Director Jessica Ditto **EOP/Ex. 6**

Emily J. McBride
Assistant to the Cabinet Secretary
Office of Cabinet Affairs
The White House

EOP/Ex. 6

-----Original Message-----

From: Benton, Donald [mailto:benton.donald@epa.gov]
Sent: Wednesday, February 1, 2017 1:24 PM
To: McBride, Emily J. EOP/WHO <**EOP/Ex. 6**>
Subject: RE: Cabinet Affairs Contact Information

Emily,

There are no entries or contact information in this form and we would really like to just simply have a phone number for Jessica.

Thanks,

Don
Senator Don Benton
Senior White House Advisor
Office of the Administrator
202.564.4711

-----Original Message-----

From: McBride, Emily J. EOP/WHO **EOP/Ex. 6**

Sent: Monday, January 30, 2017 1:28 PM

To: Gunn, Ashley L. EOP/WHO <[REDACTED]> **EOP/Ex. 6**

Subject: RE: Cabinet Affairs Contact Information

Hi everyone,

I'm still hearing that a few people are having trouble opening the black Cabinet Comms Contact sheet or that it is a duplicate to the WH Contact sheet I sent earlier. My apologies, we are still getting IT up and running over here and have experienced a few glitches! Please let me know if anyone has an issue opening this sheet. It needs to be filled out with the information you have for the people doing comms in your departments and agencies.

Thanks,

Emily J. McBride
Assistant to the Cabinet Secretary
Office of Cabinet Affairs
The White House

EOP/Ex. 6

-----Original Message-----

From: McBride, Emily J. EOP/WHO

Sent: Sunday, January 29, 2017 12:14 PM

To: McGinley, William J. EOP/WHO <[REDACTED]> **EOP/Ex. 6**

Cc: Ditto, Jessica E. EOP/WHO <[REDACTED]> **EOP/Ex. 6** DeStefano, John J. EOP/WHO

<[REDACTED]> **EOP/Ex. 6**

Subject: RE: Cabinet Affairs Contact Information

Hi all,

As promised, here is a good template you can use to input all your upcoming calendar events at your department or agency. Please have this completed and returned to us by COB Tuesday.

Thanks everybody,

Emily J. McBride
Assistant to the Cabinet Secretary
Office of Cabinet Affairs
The White House

EOP/Ex. 6

-----Original Message-----

From: McBride, Emily J. EOP/WHO

Sent: Saturday, January 28, 2017 7:34 PM

To: McGinley, William J. EOP/WHO <[REDACTED]> **EOP/Ex. 6**

Cc: Ditto, Jessica E. EOP/WHO <[REDACTED]> **EOP/Ex. 6** DeStefano, John J. EOP/WHO

<[REDACTED]> **EOP/Ex. 6**

Subject: RE: Cabinet Affairs Contact Information

Hi everyone,

Some people are reporting that these two documents aren't opening on their computers, so give these a try. Let me know if they still aren't working and we'll figure it out.

Thanks,

Emily J. McBride
Assistant to the Cabinet Secretary
Office of Cabinet Affairs
The White House

EOP/Ex. 6

-----Original Message-----

From: McBride, Emily J. EOP/WHO

Sent: Saturday, January 28, 2017 6:37 PM

To: McGinley, William J. EOP/WHO

EOP/Ex. 6

Cc: Ditto, Jessica E. EOP/WHO

EOP/Ex. 6

DeStefano, John J. EOP/WHO

EOP/Ex. 6

Subject: Cabinet Affairs Contact Information

Hi everyone,

Thanks for coming in for the meeting today. Attached is a contact sheet for Cabinet Affairs and other relevant White House contacts.

Additionally, the Cabinet Affairs press team has attached a template for a daily communications report and a blank comms contact sheet that we would like returned so that we can have all the contact information for your department's/agency's communications staff.

Please remember to send us your agency calendars and organization charts by COB Tuesday. Don't hesitate to contact me with any questions. Have a great weekend!

Emily J. McBride
Executive Assistant to the Cabinet Secretary Office of Cabinet Affairs The White House

EOP/Ex. 6

To: McBride, Emily J. EOP/WHO
From: Benton, Donald
Sent: Fri 2/3/2017 8:02:35 PM
Subject: RE: Cabinet Affairs Contact Information

EOP/Ex. 6

Thanks so much. This one works!!!

Don
Senator Don Benton
Senior White House Advisor
Office of the Administrator
202.564.4711

-----Original Message-----

From: McBride, Emily J. EOP/WHO
Sent: Wednesday, February 1, 2017 1:27 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: RE: Cabinet Affairs Contact Information

EOP/Ex. 6

Hi Don,

Sorry you're having issues with the attachment! Here it is again. Let me know if it doesn't work.

And here's Jessica's info that I pulled from the attached sheet:

EOP/Ex. 6

Emily J. McBride
Assistant to the Cabinet Secretary
Office of Cabinet Affairs
The White House

EOP/Ex. 6

-----Original Message-----

From: Benton, Donald [mailto:benton.donald@epa.gov]
Sent: Wednesday, February 1, 2017 1:24 PM
To: McBride, Emily J. EOP/WHO
Subject: RE: Cabinet Affairs Contact Information

EOP/Ex. 6

Emily,
There are no entries or contact information in this form and we would really like to just simply have a phone number for Jessica.
Thanks,

Don
Senator Don Benton
Senior White House Advisor
Office of the Administrator
202.564.4711

-----Original Message-----

From: McBride, Emily J. EOP/WHO
Sent: Monday, January 30, 2017 1:28 PM

EOP/Ex. 6

To: Gunn, Ashley L. EOP/WHO <[REDACTED]> **EOP/Ex. 6**
Subject: RE: Cabinet Affairs Contact Information

Hi everyone,

I'm still hearing that a few people are having trouble opening the black Cabinet Comms Contact sheet or that it is a duplicate to the WH Contact sheet I sent earlier. My apologies, we are still getting IT up and running over here and have experienced a few glitches! Please let me know if anyone has an issue opening this sheet. It needs to be filled out with the information you have for the people doing comms in your departments and agencies.

Thanks,

Emily J. McBride
Assistant to the Cabinet Secretary
Office of Cabinet Affairs
The White House

EOP/Ex. 6

-----Original Message-----

From: McBride, Emily J. EOP/WHO
Sent: Sunday, January 29, 2017 12:14 PM
To: McGinley, William J. EOP/WHO <[REDACTED]> **EOP/Ex. 6**
Cc: Ditto, Jessica E. EOP/WHO <[REDACTED]> **EOP/Ex. 6** DeStefano, John J. EOP/WHO
[REDACTED] **EOP/Ex. 6**
Subject: RE: Cabinet Affairs Contact Information

Hi all,

As promised, here is a good template you can use to input all your upcoming calendar events at your department or agency. Please have this completed and returned to us by COB Tuesday.

Thanks everybody,

Emily J. McBride
Assistant to the Cabinet Secretary
Office of Cabinet Affairs
The White House

EOP/Ex. 6

-----Original Message-----

From: McBride, Emily J. EOP/WHO
Sent: Saturday, January 28, 2017 7:34 PM
To: McGinley, William J. EOP/WHO <[REDACTED]> **EOP/Ex. 6**
Cc: Ditto, Jessica E. EOP/WHO <[REDACTED]> **EOP/Ex. 6** DeStefano, John J. EOP/WHO
<[REDACTED]> **EOP/Ex. 6**
Subject: RE: Cabinet Affairs Contact Information

Hi everyone,

Some people are reporting that these two documents aren't opening on their computers, so give these a try. Let me know if they still aren't working and we'll figure it out.

Thanks,

Emily J. McBride
Assistant to the Cabinet Secretary
Office of Cabinet Affairs
The White House

EOP/Ex. 6

-----Original Message-----

From: McBride, Emily J. EOP/WHO

Sent: Saturday, January 28, 2017 6:37 PM

To: McGinley, William J. EOP/WHO EOP/Ex. 6

Cc: Ditto, Jessica E. EOP/WHO EOP/Ex. 6 DeStefano, John J. EOP/WHO

EOP/Ex. 6

Subject: Cabinet Affairs Contact Information

Hi everyone,

Thanks for coming in for the meeting today. Attached is a contact sheet for Cabinet Affairs and other relevant White House contacts.

Additionally, the Cabinet Affairs press team has attached a template for a daily communications report and a blank comms contact sheet that we would like returned so that we can have all the contact information for your department's/agency's communications staff.

Please remember to send us your agency calendars and organization charts by COB Tuesday. Don't hesitate to contact me with any questions. Have a great weekend!

Emily J. McBride
Executive Assistant to the Cabinet Secretary Office of Cabinet Affairs The White House

EOP/Ex. 6

EEOB 130

To: sean.e.doocey;
From: Benton, Donald
Sent: Fri 2/3/2017 8:02:07 PM
Subject: 21 day temporary as opposed to permanent.

EOP/Ex. 6

Sean,

I was sure you and Johnny took care of this over a week ago but I was informed today by my HR department that **my employment ends next week** on February 11th as I am a 21 day appointment. My liason, Charles Munoz, completed all paperwork for permanent appointment of our beach head team several days ago and it looks like the delay in completing the process could be on PPO's end.

We have a small team and desperately need this completed asap please.

Also, We have 4 people from Wave 2 that were not processed by the transition team and I need them here badly. We are desperately short of people. Samantha Dravis, Steve Milloy, Tyrus Rickard and Chris Clifford. Can we expedite them? We Also have a few others that we are sending over on Monday.

We have 16,000 employees here and a beachhead team of 9 trusted souls. We need help, especially since Attorney General Pruitt is being delayed another 2 weeks.

Anything you can do will be greatly appreciated,

Thanks,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



Cc: mashburn.John
To: Gabriella.M.Uli
From: Benton, Donald
Sent: Sat 2/11/2017 6:01:09 PM
Subject: Mtg today

EOP/Ex. 6

Gabriella, Did Charles send his vitals to you Thursday night?

Please excuse my absence and his as I just discovered he did not attend as he thought it was tentative and never received a notice. **Personal Email/Ex. 6** Please notify me of any requests made at the meeting and I will get them to you.

Also, EPA careers did not have their own transition plan. We are using the one our landing team road and got approved by the executive team at transition.

Don

Sent from my iPad

To: Munoz, Charles[munoz.charles@epa.gov]
From: Benton, Donald
Sent: Sat 2/11/2017 5:53:02 PM
Subject: Re: Cabinet Affairs/Beachhead Leads Meeting 2/11 at 11 AM

No worries. I hoped she would have sent you the notice when you sent over your vitals Thursday night. No biggie. I'm in and out of meetings here.

Sent from my iPad

On Feb 11, 2017, at 8:03 AM, Munoz, Charles <munoz.charles@epa.gov> wrote:

Don,

I can't make it with me just getting this at 11 am on the dot. I needed more notice, now I'll be over an hour late getting there.

Sent from my iPhone

On Feb 11, 2017, at 11:00 AM, Benton, Donald <benton.donald@epa.gov> wrote:

Better late than never!

Sent from my iPad

Begin forwarded message:

From: "Uli, Gabriella M. EOP/WHO" <EOP/Ex. 6>
Date: February 10, 2017 at 5:49:15 AM PST
Cc: "McGinley, William J. EOP/WHO" <EOP/Ex. 6>
Subject: Cabinet Affairs/Beachhead Leads Meeting 2/11 at 11 AM

Good morning Beachhead Leads-

Our weekly Cabinet Affairs/Beachhead Leads meeting will be tomorrow at 11 am in the EOB Diplomatic Reception Room 210/212. The same as last week. This is a mandatory meeting, however, if you plan to have your deputy or liaison take your place, it is important to let me know.

Personal Security Detail/Ex. 6/Ex. 7C/Ex. 7E/Ex. 7F

Personal Security Detail/Ex. 6/Ex. 7C/Ex. 7E/Ex. 7F

In addition, it has been reported that the career staff at most agencies produced an INTERNAL agency transition book/plan that was separate and independent of the plans that were done by the Presidential Transition teams. If your agency produced such a plan, please bring a hard copy of it to tomorrow's meeting as those plans would be helpful. Some folks have already provided a copy after we asked for these internal transition plans the first time and they do not need to bring another copy.

Feel free to reach out should you have any questions.

Thank you.

Gabriella Uli

WH Cabinet Affairs

EOP/Ex. 6

To: Uli, Gabriella M. EOP/WHO
From: Benton, Donald
Sent: Sat 2/11/2017 3:59:23 PM
Subject: Re: Cabinet Affairs/Beachhead Leads Meeting 2/11 at 11 AM

EOP/Ex. 6

Gabriella,

Asia indicated last week I am in the other Washington today and Charles Munoz is attending on my behalf however he has a brand new newborn at home and anything can happen. If he does not attend please inform me of anything You or Bill may need from me. Our transition action plan was approved by the executive team and you should have a copy. If this is not the case please let me know. Thank you, Don Benton-EPA

Ps: Charles should have sent his vitals to you Thursday night.

Sent from my iPad

On Feb 10, 2017, at 5:51 AM, Uli, Gabriella M. EOP/WHO wrote:

EOP/Ex. 6

Good morning Beachhead Leads-

Our weekly Cabinet Affairs/Beachhead Leads meeting will be tomorrow at 11 am in the EOB Diplomatic Reception Room 210/212. The same as last week. This is a mandatory meeting, however, if you plan to have your deputy or liaison take your place, it is important to let me know. Meet at the security access point on State St. and 17th St. to be escorted as a group per USSS protocol.

In addition, it has been reported that the career staff at most agencies produced an INTERNAL agency transition book/plan that was separate and independent of the plans that were done by the Presidential Transition teams. If your agency produced such a plan, please bring a hard copy of it to tomorrow's meeting as those plans would be helpful. Some folks have already provided a copy after we asked for these internal transition plans the first time and they do not need to bring another copy.

Feel free to reach out should you have any questions.

Thank you.

Gabriella Uli

WH Cabinet Affairs

EOP/Ex. 6

To: Ditto, Jessica E. EOP/WHO **EOP/Ex. 6**
Cc: Konkus, John[konkus.john@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Jackson, Ryan (Inhofe)[Ryan_Jackson@inhofe.senate.gov]
From: Benton, Donald
Sent: Sat 2/18/2017 8:17:02 PM
Subject: RE: Scott Pruitt on national television

Absolutely. Thank you. The press was very good!!! He will address the EPA team here on Monday.

Also on another note, Please pass on to Stephen Miller his appearance on Meet the Press last Sunday the 12th, was exceptional. He did a really good job in my opinion!

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Ditto, Jessica E. EOP/WHO **EOP/Ex. 6**
Sent: Thursday, February 16, 2017 12:42 PM
To: Benton, Donald <benton.donald@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>; Ericksen, Doug <ericksen.doug@epa.gov>; Jackson, Ryan (Inhofe) <Ryan_Jackson@inhofe.senate.gov>
Subject: Re: Scott Pruitt on national television

+ Brad and Kaelan from Cabinet Communications

They have been working with your team on a comprehensive rollout plan when Pruitt is confirmed. All bookings must be coordinated with White House Comms and we will plan strategically for his bookings where/when it makes sense to have him out there.

Please make sure all of the requests have been sent to us so that we can plan.

Thanks,

Jessica
Sent from my iPhone

On Feb 16, 2017, at 8:55 AM, Benton, Donald <benton.donald@epa.gov> wrote:

Dear Jessica,

Has there been any progress on placing Administrator Pruitt on any of the National shows?

Thank you,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711

<image001.gif>

To: Kenny, Shannon[Kenny.Shannon@epa.gov]
From: Benton, Donald
Sent: Fri 2/3/2017 1:40:56 PM
Subject: RE: Follow On Guidance on the Executive Order "Reducing Regulation and Controlling Regulatory Costs"

Thanks Shannon, Keep me in the loop.

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Kenny, Shannon
Sent: Thursday, February 2, 2017 4:07 PM
To: Benton, Donald <benton.donald@epa.gov>; Schnare, David <schnare.david@epa.gov>
Cc: Kreutzer, David <kreutzer.david@epa.gov>; Sugiyama, George <sugiyama.george@epa.gov>
Subject: Fwd: Follow On Guidance on the Executive Order "Reducing Regulation and Controlling Regulatory Costs"

Don & David, sharing here the first piece of draft guidance on the 2-for-1 regulatory EO. We are reviewing it now, and collecting comments from other parts of the agency (air, water, legal, etc.). We will share compiled, prioritized comments with Catherine and you mid-week next week for your thoughts. EPA's comments are due next Friday.

Shannon

Sent from my iPad

From: Mancini, Dominic J. EOP/OMB [mailto:Personal Email/Ex. 6]

Sent: Thursday, February 02, 2017 12:02 PM

To: usdareg@obpa.usda.gov; amathew@doc.gov; probbins@doc.gov; patricia.toppings@whs.mil; joo.y.chung2.civ@mail.mil; elizabeth.mcfadden@ed.gov; Daniel.Cohen@hq.doe.gov; elizabeth.kohl@hq.doe.gov; Christopher.Kriva@hhs.gov; Madhura.Valverde@hhs.gov; Kenneth.Cohen@fda.hhs.gov; scott.chesemore@fda.hhs.gov; leslie.kux@fda.hhs.gov; HHSExecSec@hhs.gov; Wilma.Robinson@hhs.gov; dhsogcregulations@hq.dhs.gov; ariel.pereira@hud.gov; aaron.santaAnna@hud.gov; mark_lawyer@ios.doi.gov; juliette_lillie@ios.doi.gov; robert.hinchman@usdoj.gov; kevin.r.jones@usdoj.gov; Swirsky.Stephanie@dol.gov; kottmyeram@state.gov; mavendano@usaid.gov; heidi.cohen@treasury.gov; hanoi.veras@treasury.gov; christian.furey@treasury.gov; Michael.Shores@va.gov; Charles.R.Smith567.civ@mail.mil; corman.bicky@epa.gov; Owens, Nicole <Owens.Nicole@epa.gov>; jeremiah.strack@gsa.gov; seth.greenfeld@gsa.gov; timothy.tozer@gsa.gov; nanette.jennings@nasa.gov; cheryl.e.parker@nasa.gov; edawson@nsf.gov; Stephen.Hickman@opm.gov; Karen.Jacobs@opm.gov; Keira.Jones@opm.gov; Martin.Conrey@sba.gov; Major.Clark@sba.gov; Charles.Maresca@sba.gov; Jennifer.Smith@sba.gov; Faye.Lipsky@ssa.gov; cwhite@ftc.gov; jliu1@ftc.gov; ellen.brown@ferc.gov; charles.beamon@ferc.gov; tremaine.donnell@nrc.gov; Laura.Pearson@nrc.gov; bahman.rowhani@nrc.gov; Sundar.Shankar@nrc.gov; patricia.hirsch@nrc.gov; Anna.McGowan@nrc.gov; corbett.anderson@eeoc.gov; carol.miaskoff@eeoc.gov; peggy.mastroianni@eeoc.gov; sjaffe@oge.gov; rkdowell@oge.gov; linda.oliver@fcc.gov; chin.yoo@fcc.gov; susan.ashtianie@nara.gov; Kimberly.keravuori@nara.gov; Michael.O'Rourke@frb.gov; FieldsB@sec.gov; JungS@sec.gov; Murphy.Deborah@pbgc.gov; Marguerite.Dadabo@rrb.gov; ShainesM@si.edu; spiegel@access-board.gov; Jacobs@access-board.gov; rflahavan@sss.gov; bwingo@sss.gov; amy.williams@osd.mil; GKuiper@FDIC.gov; tcrews@ncua.gov; tbryant@cns.gov; aolszewski@cns.gov; eebong@ustda.gov; amy.bunk@nara.gov; jonathan.moss@dot.gov; jbrown@usadf.gov

Cc: EOP/Ex. 6

EOP/Ex. 6

Subject: Follow On Guidance on the Executive Order "Reducing Regulation and Controlling Regulatory Costs"

Dear Colleagues,

Please see attached the first round of guidance on the January 30, 2017, Executive Order titled "Reducing Regulation and Controlling Regulatory Costs." For this interim guidance, OIRA is focusing on implementation of Section 2 of the Executive Order, which covers Fiscal Year 2017.

Note that we are requesting comment on this interim guidance. They should be provided to reducingregulation@omb.eop.gov by February 10, 2017. Our goal is to continue to answer your questions, and provide at least one further round of guidance, as we continue to implement the EO.

Please let Rich Theroux (**Personal Email/Ex. 6**) or me know if you have any questions.

Best Regards,

Dom

Dominic J Mancini

Deputy and Acting Administrator

Office of Information and Regulatory Affairs

Office of Management and Budget

Personal Email/Ex. 6

To: Munoz, Charles[munoz.charles@epa.gov]; Locetta, Jennifer R.
EOP/WHC **EOP/Ex. 6**
From: Benton, Donald
Sent: Fri 2/3/2017 1:06:11 PM
Subject: Positions for EPA Beachhead

Jennifer and Charles,

Please take immediate steps to process this paperwork. Johnny DeStefano has assured me that these folks would be processed quickly.

Please let me know when this has been completed.

Thanks,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Munoz, Charles
Sent: Thursday, February 2, 2017 5:29 PM
To: Locetta, Jennifer R. EOP/WHO
Cc: Benton, Donald <benton.donald@epa.gov>
Subject: Proposed Positions for EPA Beachhead

EOP/Ex. 6

Jennifer,

As discussed, below is a list of the proposed permanent staffing positions:

Donald Benton – Senior White House Advisor

David Schnare – Assistant Deputy Administrator

Charles Munoz – White House Liaison

Holly Greaves – Deputy Chief Financial Officer

Justin Schwab – Deputy General Counsel

John Konkus – Deputy Associate Administrator for Public Affairs

David Kreutzer - Special Assistant to the Associate Administrator for Policy, Economics and Innovation

Layne Bangerter - Deputy Associate Administrator for Intergovernmental Affairs

Charles Munoz

White House Liaison

Environmental Protection Agency

To: Mashburn, John K. EOP/WHO
From: Benton, Donald
Sent: Mon 2/27/2017 12:45:59 PM
Subject: RE: Letter to the President of the United States

EOP/Ex. 6

Hi Doug,

None of these letters are addressed to us. The CEQ is an independent agency. EPA only reviews NEPA applications and offers suggestions on them. We do not approve them. So, technically there is really nothing in this correspondence for us to respond to.

I will run it by the appropriate people here and if I find out anything different I will let you know.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Mashburn, John K. EOP/WHO
Sent: Sunday, February 26, 2017 3:37 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: FW: Letter to the President of the United States

EOP/Ex. 6

Don – can you have the appropriate person reach out?

From: Hoelscher, Douglas

Sent: Sunday, February 26, 2017 3:26 PM

To: Mashburn, John K. EOP/WHO <[REDACTED] EOP/Ex. 6> Gunn, Ashley L.

EOP/WHO <[REDACTED] EOP/Ex. 6> Flynn, Matthew

[REDACTED] EOP/Ex. 6

Cc: Clark, Justin R. EOP/WHO <[REDACTED] EOP/Ex. 6> Johnson, Julia B. EOP/WHO

[REDACTED] EOP/Ex. 6 Cramer, Drew W. EOP/NSC

Subject: FW: Letter to the President of the United States

Hi Team Cabinet Affairs – would you be willing to relay below to Team EPA and ask that they reach out to CA Governor Brown’s Executive Secretary (their COS equivalent) this week?

At top level this would seem to be a good prospect for action with prescient timing given the heavy rains in CA last few months.

Might be good to give FEMA team courtesy notice as well.

*Julia (please log).

*ccing Drew in NSC ops for transparency too.

Sincerely,

Thanks,

Doug

From: Nancy McFadden [<mailto:Nancy.McFadden@gov.ca.gov>]
Sent: Friday, February 24, 2017 1:34 PM
To: 'Justin.Clark' [EOP/Ex. 6]
Cc: Hoelscher, Douglas <[EOP/Ex. 6]> Katie Wheeler Mathews
<katie.wheelermathews@wdc.ca.gov>
Subject: Letter to the President of the United States

Justin and Doug,

Thank you again for moving so quickly on the Emergency Declaration for Oroville Dam. We are continuing to focus on short and long term actions to deal with Oroville as well as other infrastructure issues arising from the recent storms. Along those lines, the Governor is submitting for consideration a list of projects in need of expedited environmental review under your Executive Order 13766 (letters attached). In addition, we are making requests of several federal agencies for some specific actions on dam safety (those letters are also attached).

One other thing: the Governor (and I) unfortunately will not be coming east for the NGA meeting and the dinner with the President this weekend. Too much is going on here in California. We may be coming to Washington D.C. in March and, if so, I will let you know. I'd like to arrange some meetings with the Administration at that time.

Please let me know if you have any questions or need anything else.

Regards, Nancy

Nancy McFadden

Executive Secretary

Office of the Governor

Personal Matters/Ex. 6

nancy.mcfadden@gov.ca.gov

To: Uli, Gabriella M. EOP/WHO **Personal Email/Ex. 6**
From: Benton, Donald
Sent: Fri 2/24/2017 3:55:59 PM
Subject: Family clearance through SS for tomorrow

Gabriella, I have found someone in PPO, Jennifer Locetta, to take my family through. Can you please be sure the WAVES process is ready for an 11AM tour tomorrow as I do not think we are having a cabinet affairs meeting tomorrow.

Please call my cell **Personal Phone/Ex. 6** if there is any issue as I am out the rest of the day.

Thanks so much!

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Uli, Gabriella M. EOP/WHO **Personal Email/Ex. 6**
Sent: Wednesday, February 22, 2017 2:19 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: RE: cabinet affairs mtg

Hi Don,

I have passed your message on to operations. I will be unavailable on Saturday due assisting with upcoming cabinet affairs events. Let me know if you don't hear back by the end of the day and I'll follow-up.

Thanks

From: Benton, Donald [<mailto:benton.donald@epa.gov>]

Sent: Wednesday, February 22, 2017 2:01 PM

To: Uli, Gabriella M. EOP/WHO Personal Email/Ex. 6

Subject: RE: cabinet affairs mtg

Gabriella,

I know you are very busy but wanted to check on any progress on the family visit to the WH this coming Saturday?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: munoz.charles@epa.org[munoz.charles@epa.org]
From: Benton, Donald
Sent: Thur 2/9/2017 10:51:25 PM
Subject: Fwd: Cabinet Affairs Beachhead Leads Meeting 2/4

Sent from my iPhone

Begin forwarded message:

From: "Benton, Donald" <benton.donald@epa.gov>
Date: February 6, 2017 at 6:41:58 PM EST
To: "Uli, Gabriella M. EOP/WHO" **EOP/Ex. 6**
Subject: RE: Cabinet Affairs Beachhead Leads Meeting 2/4

All correct

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Uli, Gabriella M. EOP/WHO **EOP/Ex. 6**
Sent: Friday, February 3, 2017 11:02 AM
To: Benton, Donald <benton.donald@epa.gov>
Subject: RE: Cabinet Affairs Beachhead Leads Meeting 2/4

Hi Don,

Thanks for your call this morning. Will you confirm that the information below is correct?

Personal Matters/Ex. 6

Thanks!

-----Original Message-----

From: Benton, Donald [<mailto:benton.donald@epa.gov>]

Sent: Thursday, February 2, 2017 2:48 PM

To: Uli, Gabriella M. EOP/WHO **EOP/Ex. 6**

Subject: RE: Cabinet Affairs Beachhead Leads Meeting 2/4

Gabriella, Do you have my vitals from the last meeting or do you need them again?

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711

-----Original Message-----

From: Uli, Gabriella M. EOP/WHO **EOP/Ex. 6**

Sent: Thursday, February 2, 2017 2:37 PM

Cc: McGinley, William J. EOP/WHO [REDACTED] **EOP/Ex. 6** McBride,
Emily J. EOP/WHO [REDACTED] **EOP/Ex. 6**; Mashburn, John K. EOP/WHO
[REDACTED] **EOP/Ex. 6**; Gunn, Ashley L. EOP/WHO
[REDACTED] **EOP/Ex. 6**

Subject: Cabinet Affairs Beachhead Leads Meeting 2/4

Good afternoon beachhead leads,

I want to let you know, we will be holding a mandatory meeting on Saturday, February 4th at 3 pm. If you have a time conflict, have your deputy or liaison attend. Please notify me as I will need to clear people through the USSS system.

Plan to arrive at least 20 minutes in advance to go through security and get settled. Meet at the security access point on State and 16th St. and we will escort the group by 2:50 pm. Room location is EEOB 210/212. Do not be late.

Feel free to reach out with any questions you may have.

Thank you.

Gabriella Uli

WH Cabinet Affairs

Phone: [REDACTED] **EOP/Ex. 6**

[REDACTED] **EOP/Ex. 6**

To: Mashburn, John K. EOP/WHO [redacted] **EOP/Ex. 6**
matthew.j.flynn [redacted] **EOP/Ex. 6**
From: Benton, Donald
Sent: Tue 2/28/2017 7:22:05 PM
Subject: Cabinet Affairs report for 2/28/2017

Guys,

I called the number several times and it would not let me into the call. There is some kind of problem with it.

Anyway:

1. Pruitt's Chief of Staff has indicated to security staff that the 24/7 temporary two week PSD coverage is permanent. This is very costly and will take money from the environmental enforcement budget which is where the PSD is paid from. When the public finds out there will be a negative hit from the press.

2. We will issue a FR notice tomorrow saying we are going to re-write the EPA rule on water and solicit comments for 30 days. This is based on the EO being signed today , (right now actually) at the WH by POTUS.

Deliberative Process Privilege/Ex. 5

In closing,

I want it noted that not involving or even informing the Senior White House Advisors in Presidential actions relating to the agencies in which we work is insulting and hurts morale unnecessarily. This is especially true when the BH team has been so involved in writing the draft EO and in managing the agency for the last 5 weeks.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Mashburn, John K. EOP/WHO **EOP/Ex. 6**
From: Benton, Donald
Sent: Thur 2/9/2017 8:04:33 PM
Subject: Long time EPA employee killed by drunk driver

Personal Email/Ex. 6 an EPA employee for 25 years was leaving a church awards ceremony where she received an award for community service and was hit and killed by a drunk driver. The police are holding **Citizen Name/Ex. 6** on a second degree murder charge. He had been arrested twice before on drunk driving charges.

Her home address is:

Personal Address/Ex. 6

Her husband's name is **Citizen Name/Ex. 6**

Caroline's husband is **Citizen Name/Ex. 6** He can be reached at **Personal Phone/Ex. 6** She has a bit over 25 years of service. My folks have said that he is having a hard time and it may be best to wait on a call. A good friend is visiting tonight and will check in with us tomorrow on receiving calls.

Mash, BTW, The Governor of Indiana has just declared an emergency at the East Chicago industrial site I reported on last week----lead in drinking water.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Mashburn, John K. EOP/WHO EOP/Ex. 6
From: Benton, Donald
Sent: Thur 2/2/2017 10:23:12 PM
Subject: FW: PSD "portal to portal" transportation approval
[Authorization Home to Work Transportation.pdf](#)
[Use of Govt Vehicles for EPA Administrator.pdf](#)

John,

As I discussed on the phone today the career agency folks mentioned that if Administrator Pruitt designee will want Personal Security Detail to and from work it will need to be provided by Presidential request/authorization. I have attached previous documents so no one has to create from scratch.

I strongly recommend this protection for Mr. Pruitt.

Thanks,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



THE WHITE HOUSE

WASHINGTON

March 2, 2009

AUTHORIZATION FOR HOME-TO-WORK TRANSPORTATION

By the authority vested in me by 31 U.S.C. 1344(b)(1)(C) (Public Law 99-950, as amended), I hereby designate the official who holds the position identified below to receive transportation in a Government vehicle from her residence to her place of employment:

- Administrator of the Environmental Protection Agency

A handwritten signature in black ink, appearing to be "Barack Obama", written in a cursive style.

To: Executive Office of the President

From: Matthew Fritz, Deputy Chief of Staff

Date: July 17, 2013

RE: Use of Government Vehicles for EPA Administrator

The US Environmental Protection Agency (EPA) is seeking permission to continue, under section 503 of the Ethics Reform Act of 1989 (Public Law 101-194), incidental use of government vehicles for the Agency's new Administrator Gina McCarthy. Per the provisions outlined in the Public Law and has been recent practice, the Agency's Administrator would use the vehicle in association with her official duties, including portal-to-portal transportation and in the performance of her daily itinerary of official business.

To: Mashburn, John K. EOP/WHO
From: Benton, Donald
Sent: Tue 2/28/2017 6:15:39 PM
Subject: RE: OPA Clips 2/28/17

EOP/Ex. 6

Does this mean no, I ain't getting in either?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Mashburn, John K. EOP/WHO

EOP/Ex. 6

Sent: Tuesday, February 28, 2017 11:52 AM

To: Benton, Donald <benton.donald@epa.gov>

Subject: Re: OPA Clips 2/28/17

1:50 pm but very oversubscribed attendance. I ain't making it in.

Sent from my iPhone

On Feb 28, 2017, at 11:47 AM, Benton, Donald <benton.donald@epa.gov> wrote:

Matt and John,

Is this report accurate? At 1:30 today? Can I be there, should I be there?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711

<image002.png>

From: McGonagle, Kevin

Sent: Tuesday, February 28, 2017 10:09 AM

To: So, Katherine <so.katherine@epa.gov>; McCabe, Catherine <McCabe.Catherine@epa.gov>; Reeder, John <Reeder.John@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Slotkin, Ron <slotkin.ron@epa.gov>; Sowell, Sarah <Sowell.Sarah@epa.gov>; Hart, Daniel <Hart.Daniel@epa.gov>; Orquina, Jessica <Orquina.Jessica@epa.gov>; Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov>; Benton, Donald <benton.donald@epa.gov>; Bangerter, Layne <bangerter.layne@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Ericksen, Doug <ericksen.doug@epa.gov>; Konkus, John <konkus.john@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Kreutzer, David <kreutzer.david@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Schnare, David <schnare.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Sugiyama, George <sugiyama.george@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Valentine, Julia <Valentine.Julia@epa.gov>; AO OPA Media Relations <AO_OPA_Media_Relations@epa.gov>

Cc: McGonagle, Kevin <mcgonagle.kevin@epa.gov>

Subject: OPA Clips 2/28/17

Below: Reuters, AP, Bloomberg BNA (3), The Hill, The Week, Fox News, The Washington Examiner, The Verge, InsideClimate News, Bloomberg (2/27), Washington Post (2/27), The Hill (2/27), Politico (2/27), Huffington Post (2/27)

Reuters

<http://www.reuters.com/article/us-usa-water-idUSKBN16712K>

Trump to order review of Obama waterway regulation: official

By Ayesha Rascoe 2/28/17

U.S. President Donald Trump will sign a measure on Tuesday directing regulators to review an Obama administration regulation that expanded the number of federally protected waterways, a senior White House official said.

Trump's order will also direct the Justice Department to ask a federal court to put legal challenges to the rule on hold as the administration conducts its review, the official said.

The order will kick off what will likely be a lengthy process to undo the Waters of the United States (WOTUS) rule, which was finalized by the Environmental Protection Agency and the U.S. Army Corps of Engineers in 2015 to clarify which bodies of water are covered by the Clean Water Act.

The rule has faced intense political and legal opposition from Republicans lawmakers, farmers and energy companies. It was blocked by a federal appeals court pending further court challenges.

"The problem with the Obama administration WOTUS rule is that it vastly expands federal jurisdiction into state and local areas and land use decisions," the official said.

The official said that federal law requires that the administration undertake a formal evaluation of the rule before a decision is made about whether to rescind the regulation.

Calling the rule "very large and complex," the official said the review would likely take a "long time to get through."

Critics contend the rule crafted by the Obama administration could apply to ditches and small isolated bodies of water.

EPA Administrator Scott Pruitt told a conservative summit on Saturday that the regulation had "made puddles and dry creek beds across this country subject to the jurisdiction of Washington DC. That's going to change."

The EPA under President Barack Obama said the rule protects waters that are next to rivers and lakes and their tributaries "because science shows that they impact downstream waters."

Dozens of agricultural groups, states and municipalities had sued to block the rule. The challengers contend the agencies' change improperly expanded federal regulatory power.

AP

http://hosted.ap.org/dynamic/stories/U/US_TRUMP_WATER_RULES?SITE=AP&SECTION=HOME&TEM

Trump ordering review of Obama rule protecting small streams

By Jill Colvin 2/28/17

WASHINGTON (AP) -- President Donald Trump will sign an executive order Tuesday mandating a review of an Obama-era rule aimed at protecting small streams and wetlands from development and pollution.

The order will instruct the Environmental Protection Agency and Army Corps of Engineers to review a rule that redefined "waters of the United States" protected under the Clean Water Act to include smaller creeks and wetlands, according to a senior White House official.

The official briefed reporters on the condition of anonymity, despite the president's recent complaints about unnamed sources.

Trump had railed against the water rule during his campaign, slamming it as an example of federal overreach. Farmers and landowners have criticized the rule, saying there are already too many government regulations that affect their businesses, and Republicans have been working to thwart it since its inception.

But Democrats have argued that it safeguards drinking water for millions of Americans and clarifies confusion about which streams, tributaries and wetlands should be protected in the wake of decades-long uncertainty despite two Supreme Court rulings.

The order Trump is set to sign will also instruct the agencies to ask the attorney general to suspend ongoing court action while the review is underway. Implementation of the rule has been held up in court due to pending legal challenges.

The president has promised to dramatically scale back regulations that he says are holding back businesses, and has signed several orders aimed at that goal.

The League of Conservation Voters issued a pre-emptive statement slamming the expected move.

"This executive order is about one thing: protecting polluters at the expense of our communities and their access to clean drinking water," Madeleine Foote, the group's legislative representative, said in a statement.

Bloomberg BNA

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=106340455&vname=dennotallissues&wsn=498622

As Budget Cuts Loom, Industry Seeks to Save Some EPA Programs

By Tiffany Stecker 2/28/17

President Donald Trump sent out his budget blueprint to federal agencies Feb. 27, seeking to slash the budget for the EPA and other agencies while boosting defense spending by \$54 billion.

With a baseline for the next fiscal year in hand—pending approval from Congress, which authorizes and appropriates funds to federal agencies—EPA leaders will have to ask themselves a difficult question: what will be the first programs to go? Chemical industry groups are hoping the incoming administration will save its key programs at the [<image001.gif>Environmental<image001.gif> <image001.gif>Protection<image001.gif> <image001.gif>Agency<image001.gif>](#) that are essential to keep their businesses moving.

The pesticide industry, which depends on the Office of Chemical Safety and Pollution Prevention to put its products on the market, has been particularly active in telling the White House's advisers not to blindly take a hatchet to the agency's budget.

Industries Lobby for Strengthening EPA Program

“This administration has made no big secret about cutting the EPA,” Ed Ruckert, an attorney in the Washington office of McDermott, Will and Emery who represents several agricultural and pest control organizations, told Bloomberg BNA. “I think you're going to see industry say ‘this is an organization that needs to be maintained and strengthened’.”

Many industries—from the power plant sector to construction, to water utilities—depend on the EPA to issue the permits necessary to legally operate their businesses. Slowdowns or halts in permitting could constrain operations.

But pesticide manufacturers that make crop insecticides, household disinfectants and other such chemicals are unique because they pay fees to the Office of Pesticide Programs to ensure that work gets done. Congress is poised to reauthorize a bill later this year that would renew the business's commitment to paying dues in exchange for certainty about the approvals they legally need to stay in business.

Under the latest iteration, the Pesticide Registration Improvement Act ([H.R. 1029](#)) will allow the EPA to raise up to \$31 million—an increase from \$27.8 million—to maintain the registrations of existing pesticides. At the same time, congressional appropriations since fiscal year 2010 have dropped from about \$143 million per year to about \$120 million. Congress has sidestepped this obligation by issuing waivers that allow the industry fees to fund pesticide licensing despite the low appropriations.

The PRIA Coalition—headed by agricultural pesticide association CropLife America and consumer trade group, the Consumer Specialty Products Association—have met with the EPA and with lawmakers to press their case to preserve the program.

Doug Ericksen, spokesman for the transition team at the EPA, did not respond to Bloomberg BNA's request for comment on the agency's budget.

The agency's new administrator, Scott Pruitt, made his name fighting the Obama administration in court over high-profile regulations on climate change and water. E-mails released to the public last week by the Center for Media and Democracy show that Pruitt worked closely with the oil and gas industry on policy issues as he served as Oklahoma's attorney general. Backers of the [<image001.gif>agency<image001.gif>](#) under President Barack Obama fear that Pruitt will put a target on the agency's climate change work, undoing much of the effort his predecessors Lisa Jackson and Gina McCarthy put forward.

The clampdown on the [<image001.gif>agency<image001.gif>](#) comes after a steady decline in the budget over the last seven years. The EPA's spending allowance has declined from \$10.3 billion in fiscal year 2010 to \$8.1 billion in fiscal year 2016.

Drastic Impacts?

Former [<image001.gif>agency<image001.gif>](#) officials are decrying the impact of the expected cuts.

Staff already has grappled with smaller conference travel budgets, cuts in discretionary expenses, and less contractor support to assist with reducing [<image001.gif>environmental<image001.gif>](#) and health risks, said Jim Aidala, former EPA assistant administrator under President Bill Clinton and now a senior government affairs consultant with Bergeson and Campbell, P.C.

“The [<image001.gif>agency<image001.gif>](#) is really operating on a bare bones budget,” Mathy Stanislaus, the former head of the EPA's Office of Land and Emergency Management, told Bloomberg BNA. Stanislaus was a presidential appointee in the Obama administration.

The EPA is already operating at a “life support level,” said Tracey Woodruff, a former scientist in the Office of Policy under Presidents Clinton and George W. Bush.

“It's going to have really drastic implications for EPA's ability to enforce [<image001.gif>environmental<image001.gif>](#) regulations,” Woodruff, now director of the Program on Reproductive Health and the Environment at the University of California, San Francisco, told Bloomberg BNA.

Myron Ebell, a director at the Competitive Enterprise Institute and former [<image001.gif>environmental<image001.gif>](#) adviser to Trump, said earlier this year that the administration could cut the agency's staff levels by two-thirds.

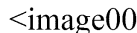

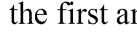
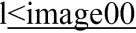
“Good luck with that,” Aidala told Bloomberg BNA, responding to the possibility of such a drastic cut. “It would be very tough to do it.”

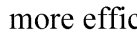

Voluntary Programs in the Cross-Hairs

But offices like the pesticides division—and the air and water offices that have drawn fire for recent regulatory proposals—won't be the first to feel a belt-tightening said Daniella Taveau, a former trade negotiator for the EPA.

Non-mandatory voluntary programs could be the first to get cut or moved to the private sector, said Taveau, who now works as a regulatory and global trade specialist for King & Spalding LLP in Washington. The best known example of these is the EnergyStar program, which certifies energy-efficient appliances.

“We should expect a leaner organization, focused on the core mission of EPA,” she told Bloomberg BNA. That means cutting some programs, but also reinvesting in information technology, communications and scientific research, she said.

Taveau and others expect some former George W. Bush appointees to return to the agency. Changes in leadership at the regional level, often the first and ablest responders to local environmental crises, may also be afoot.

But Taveau thinks the cuts offer the EPA a chance to improve management and create a more efficient agency, allowing the EPA to emerge as a regulatory model for the world.

If Pruitt is able to cut some of the perceived excess, said Taveau, “I think he could be a hero.”

Bloomberg BNA

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=106340456&vname=dennotallissues&wsn=498632

Repealing Waters Rule Would Take a While, Maintain Uncertainty

By Amena H Saiyid 2/28/17

Getting rid of a rule clarifying which types of waters are federally protected—or any federal regulation for that matter—is not as simple as issuing an executive order.

President Donald Trump's expected order to withdraw the Obama administration's Clean Water Rule (RIN: 2040-AF30) only sets in motion a process that could take at least 18 months to complete, legal observers familiar with the rulemaking process said.

Builders, mining operations, agricultural interests and others—many of which are players in

the dozens of challenges to the rule on grounds that it amounts to federal overreach—will be left, meanwhile, with the uncertainty that prompted the regulation in the first place. Companies that can be affected by the regulation, also called the Waters of the U.S. Rule (WOTUS), include Peabody Energy, an international coal mining company, Pulte Homes and Toll Brothers, major home builders.

These companies will have to rely on federal guidance issued following a 2006 U.S. Supreme Court ruling that many said added confusion to which wetlands and various types of waters not clearly connected to rivers or lakes can be covered by federal permitting requirements. Add to that the confusion from the guidance itself that contributed to the conclusion that EPA and the corps simply needed to write a new rule to sort it all out.

To withdraw a rule, agencies—in this case the [<image001.gif>Environmental<image001.gif> <image001.gif>Protection<image001.gif> <image001.gif>Agency<image001.gif>](#) and the U.S. Army Corps of Engineers—must go through a formal rulemaking process that involves notifying the public that the regulation is being repealed and then take comment on that action. The agencies also will need time to undo the rationale used to justify the rule.

“Realistically, it would be hard for the new administration to go through notice-and-comment rulemaking on replacing the WOTUS rule in less than 18 months, and the process easily could take much longer,” Neil McAliley, shareholder attorney with the Miami office of Carlton Fields Jorden Burt P.A., told Bloomberg BNA Feb. 27.

‘Repeal and Replace’

The Trump order is expected to “repeal and replace” the rule with something that gives states more authority to decide what gets covered by the Clean Water Act.

Thirty-two states, including Oklahoma—represented by Scott Pruitt prior to his becoming EPA Administrator—opposed the 2015 water rule on grounds that the EPA and the corps trampled their rights and took over land-use decisions in asserting jurisdiction over waters.

The Association of Clean Water Agencies, which represents state and interstate water pollution agencies, is waiting to see how the order will improve federal state relations that states such as Oklahoma said were frayed during the Obama administration.

“We are looking forward to working with the new administrator and his team on rebalancing the state/ federal relationship. But time will tell,” said Julia Anastasio, the association's general counsel and executive director.

At this point, it isn't clear whether the executive order will be just a “high level directive” requiring the agencies to withdraw the rule or whether it will contain instructions to the agencies on how to rewrite the rule, said David Chung, a partner with Crowell & Moring LLP's environment and natural resources practice.

“Is it it going to announce what might be the lawful scope of the Clean Water Act,” Chung said.

Chung compared the status of the water rule with that of the Affordable Care Act, which Trump has promised to replace without providing details about what comes next.

No Overnight Repeal

Developing a rule usually takes a long time. McAliley pointed to how long it took the Obama administration to complete the WOTUS rulemaking: The EPA announced the creation of the scientific advisory board to advise on technical issues surrounding the rule in March 2013; the notice of proposed rulemaking was issued in April 2014, and the final rule was issued in June 2015.


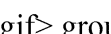
“That timeline just includes the notices in the Federal Register and not the preparation time before they launched the formal process,” McAliley said.

McAliley said the Trump administration might be able to streamline parts of this process, for instance by requiring less time for consultation with members of Congress.

But the agencies still have the major time-consuming task of undoing the rationale and technical record that the EPA and the corps developed under the Obama administration to justify the rulemaking, according to Steven Miano, shareholder attorney with the Philadelphia-based Hangley Aronchick Segal Pudlin & Schiller.

Formal Withdrawal Would be Challenged

The EPA and the corps would be exposed to challenges and lawsuits once they formally withdraw the water rule, just as they were challenged all over the country when they first issued it, Miano said.

While 32 states and upward of 50 business, manufacturing and agriculture groups challenged the rule, seven states supported it and many  environmental  groups that largely back the rule challenged certain provisions in the rulemaking.

Lawyers and policymakers agree that any proposed rule that the agencies issue would face opposition and would probably be subject to legal challenges, Miano said.

Gearing Up for a Fight

Representatives from the Natural Resources Defense Council made it clear in a Feb. 27 briefing that they would challenge the Trump administration every step of the way as it undoes the water rule, or the Clean Power Plan, the rule that set first-ever regulations for greenhouse gas emissions from power plants.

If the federal government shies away from meeting its Clean Water Act obligations then “we shall fight them,” Jan Goldman-Carter, the National Wildlife Federation's senior manager and counsel on wetland water resources, said at a recent American Law Institute-Continuing Legal Education seminar on <image001.gif>Environmental<image001.gif> Law.

As for the pending lawsuit challenging the merits of the water rule, which the U.S. Courts of Appeals for the Sixth Circuit has put on hold during the litigation, McAliley said the agencies could ask the court to return the regulation for further consideration (In re Murray Energy Corp. v. EPA (In re EPA and Dep't of Def. Final Rule), 6th Cir., No. 15-3751, order 1/25/17).

“Then it could have the effect of ending the current round of litigation,” he said. “If the existing rule is not remanded to the agencies, then the current litigation would continue.”

Buried in the tangle of lawsuits is the question of which court even has the authority to hear challenges to the rule. This is a question the U.S. Supreme Court is expected to resolve sometime next year. Most attorneys say they don't expect the Trump administration to back away from the Supreme Court case over the question of court venue because that same question will be debated if and when a new water rule is written.

Property owners, meanwhile, will continue to grapple with the question of whether they need a Clean Water Act permit for activities on their land. That in turn means more challenges and litigation to clarify the scope of jurisdiction, as the rulemaking was issued to provide certainty, Miano said.

Bloomberg BNA

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=106340457&vname=dennotallissues&wsn=498625

How Exactly Will Pruitt Kill Clean Power Plan?

By Andrew Childers 2/28/17

EPA Administrator Scott Pruitt has sentenced the Clean Power Plan to death. Now it's only a matter of determining the method of execution.

President Donald Trump could sign an executive order this week directing the <image001.gif>Environmental<image001.gif> <image001.gif>Protection<image001.gif> <image001.gif>Agency<image001.gif> to walk back the Obama administration's signature climate rule, which Pruitt as Oklahoma attorney general had opposed. Repealing the Clean Power Plan, a lengthy process sure to invite legal challenges from environmentalists, is the first shot in a broader effort to undo the Obama administration's efforts to address climate change.

Speaking at the Conservative Political Action Conference, Pruitt said the EPA would abide by the power that Congress expressly delegated, mirroring arguments he's previously made against the regulation.

“We have to send a message across the country that we're going to provide certainty by living within the framework Congress has passed,” he said. “So we're going to see regulations rolled back that aren't consistent with that—[Waters of the U.S.], Clean Power Plan, the methane rule.”

Think Smaller

While Pruitt has set his sights on killing the Clean Power Plan, embracing less onerous carbon dioxide standards on the power industry could stymie environmentalists' legal challenges to any attempt to roll back climate regulations, attorneys said. Doing that would be “the most lock-solid, defensible, march-it-through-the-courts approach,” Megan Berge, a partner in Baker Botts LLP's Washington, D.C., office who represents industry groups, told Bloomberg BNA.

“The way to go is, don't be creative. Just do what the statute says,” she said.

As Oklahoma attorney general, Pruitt helped lead the legal fight against the Clean Power Plan, which was issued under Section 111(d) of the Clean Air Act. He even offered his own counter plan, which gave states more leeway to set their own emissions targets—even setting less-stringent emissions limits than federal standards in some instances. That plan could form the basis for a much narrower alternative that would implement that section of the law more in line with the EPA's past application rather than the Obama administration's far broader interpretation.

The Obama EPA took Section 111(d), a rarely used provision of the Clean Air Act, and read its powers broadly, attempting to regulate not just emissions from power plants but prioritizing renewable energy and natural gas generation in an effort to reduce emissions from the power sector overall. Requiring individual power plants to reduce their emissions through improvements to their heat rate would have produced far more modest emissions reductions than the 30-percent cut envisioned under the Clean Power Plan.

“If they put forward some alternative, I think they have a higher likelihood of surviving,” said Michael Burger, executive director of the Sabin Center for Climate Change Law at Columbia Law School, who represents cities supporting the carbon dioxide standards in litigation over the rule.

High Risk, High Reward

But if Pruitt wants to completely foreclose greenhouse gas regulation of the power sector, he may need to embrace another EPA regulation he had opposed. Opponents of the Clean Power Plan have long argued that the rule represents an overreach on the part of the EPA

because the Clean Air Act bars regulating carbon dioxide from power plants under Section 111(d). That, the opponents say, is because those units are already regulated under Section 112.

The so-called Section 112 exclusion would be a way to undo the Clean Power Plan and bar similar regulations on utilities and other stationary sources of emissions going forward.

“The Section 112/111 exclusion is going to be attractive to people who really want to put this to bed,” Berger said. “It reexamines whether they really do have the authority. It’s whether, not how.”

When the Clean Air Act was last amended in 1990, conflicting amendments were adopted to Section 111(d). The House amendment bars the EPA from regulating industrial facilities under Section 111(d) if they are already subject to toxic pollutant limits under Section 112, as are power plants. The Senate amendment merely prevents the EPA from regulating the same pollutants under both provisions.

Opponents of the Clean Power Plan argue that the House language should take precedence and since power plants are already subject to the Mercury and Air Toxics Standards under Section 112, their carbon dioxide emissions could not be regulated under Section 111(d) as well.

Pruitt was among the challengers to the mercury rule, but utilities have already met that rule’s requirements.

While reinterpreting the EPA’s reading of the Section 112 exclusion would put a definitive end to the Clean Power Plan, the unusual nature of the conflicting amendments and the statutory interpretation problems they pose could also make that approach more vulnerable to legal challenges.

“Complexity is no one’s friend when they’re trying to get anything done before a court,” William Yeatman, a senior fellow at the Competitive Enterprise Institute, told Bloomberg BNA.

Court is Still Deliberating

Complicating any plans the Pruitt EPA may have going forward is a pending decision from the U.S. Court of Appeals for the District of Columbia Circuit on the legality of the rule. Ten judges from the court heard a full day of argument on the rule in 2016 and a decision is expected soon (*West Virginia v. EPA*, D.C. Cir. en banc, No. 15-1363, 9/27/16).

The Trump administration has yet to ask the court to send the rule back for correction, something that would be expected if the EPA intends to revoke or revise the regulation.

“You wouldn’t go about revising the rule leaving the case ongoing,” Yeatman said. “The first thing you would do, and I don’t understand why they haven’t done this yet, is you go to

the court and you say that.”

The Hill

<http://thehill.com/policy/energy-environment/321490-trump-moves-toward-repealing-obama-epa-water-rule>

Trump moves toward repealing Obama EPA water rule

By Timothy Cama and Jordan Fabian 2/28/17

President Trump will order the Environmental Protection Agency (EPA) on Tuesday to formally review former President Barack Obama Clean Water Rule, kicking off the process of eliminating or significantly changing the rule.

The executive order is the first step toward fulfilling one of Trump’s key campaign promises, repealing a regulation that’s been a top target for Republicans and numerous business interests.

It is also the first regulatory action he has taken specific to the EPA, with more actions likely to come to roll back Obama’s aggressive environmental agenda.

Trump could soon act to change or reverse Obama's Clean Power Plan, the centerpiece of his effort to fight climate change, and his budget is expected to seek significant cuts to the EPA's funding, workforce and enforcement activities.

A senior administration official told reporters Monday that the order would not rescind the waterways rule, because that has to be done through a formal regulatory process.

Instead, the order will instruct the EPA and the Army Corps of Engineers to formally reconsider the rule, which could lead to its repeal or a significant rewrite.

The official said Trump can’t legally prejudge the outcome of the rulemaking process, which could take well over a year to complete.

The 2015 regulation, also known as Waters of the United States, asserts federal power over small waterways such as wetlands, headwaters and ponds, requiring Clean Water Act permits for any actions that could harm or pollute them. The Obama administration said 117 million Americans’ drinking water relies on those waterways.

The rule is currently on hold. The Court of Appeals for the Sixth Circuit, based in Cincinnati, ordered it halted in 2015 while numerous lawsuits challenging the rule wind

their ways through the court system.

Scott Pruitt, the current EPA head and former attorney general of Oklahoma, led one of the lawsuits.

To Republicans and such industries as agriculture, developers and energy companies, the rule would have added a major new burden by requiring costly permits for numerous land uses. Opponents say its definitions are so broad that puddles could be put under federal control.

“The problem with the Obama administration’s WOTUS rule is that it vastly expands federal jurisdiction into state and local areas of land use,” the administration official said. “It vastly expands federal jurisdiction over state waters and we think, in looking at it, it could potentially violate the Supreme Court decisions.”

The order specifically asks the agencies to consider the late Supreme Court Justice Antonin Scalia wrote in the 2006 case *Rapanos v. United States*, saying the Clean Water Act ought only to cover navigable waters and waterways “with a continuous surface connection” to them — a far more restrictive definition than what the Obama EPA put into its rule.

The official said the EPA will also be instructed to ask the Sixth Circuit court to put the litigation against it on hold while the administration reviews it.

The Week

<http://theweek.com/speedreads/682818/white-house-proposes-massive-epa-budget-cuts>

White House proposes massive EPA budget cuts

By Becca Stanek 2/28/17, 7:49AM

A day after reportedly proposing massive cuts to the Environmental Protection Agency's budget, the White House is expected to move forward Tuesday with an executive order undoing the Obama-era rule Waters of the United States. Though Trump's order rolling back the rule protecting America's major waterways would have "almost no immediate legal effect," The New York Times noted it will "essentially give Mr. Trump a megaphone to direct his Environmental Protection Agency administrator, Scott Pruitt, to begin the process of rewriting" the 2015 regulation.

On Monday, the White House sent another message to Pruitt with a proposal that reportedly suggested cutting a quarter of the EPA's budget and "eventually eliminating 1 in 5 of the agency's workers," Politico reported. The proposed cuts, which one person told Politico were "far more severe than anyone imagined," would lower the EPA's budget to its lowest level since 1991, and leave the EPA the most sparsely staffed it's been since the mid-1980s.

The White House did not confirm the figures.

Next up, the White House is reportedly expected to sign an executive order to begin undoing former President Barack Obama's climate-change regulation curbing greenhouse gas emissions. Becca Stanek

Fox News

<http://www.foxnews.com/politics/2017/02/28/trump-previews-joint-address-to-congress-takes-blame-for-ineffective-communications.html>

Trump previews joint address to Congress, takes blame for communication issues

By Cody Derespina 2/28/17

President Trump said in an exclusive interview Tuesday that his address to Congress this evening will focus on the central planks of his campaign – the military, the border, jobs and health care – and he took responsibility for any communications miscues that have blunted the effectiveness of his message in the early days of the administration.

Trump, in an interview with “Fox & Friends,” specifically cited his immigration policy, and said that perhaps the rollout of his plan to keep out and remove criminal illegals hadn’t been communicated effectively.

“And maybe that’s my fault,” Trump said.

He later awarded himself a grade of a “C” or “C-plus” on communicating, straightforwardly saying, “My messaging isn’t good.” He clarified that he would give himself an “A” for achievement and “A-plus” for effort.

Trump added on immigration: “We’re getting the bad ones out, the bad people, gang people, drug lords, in some cases, murderers,” echoing the campaign rhetoric that dominated speeches from Day 1 of his candidacy for the GOP presidential nomination.

“I’m much tougher in getting the bad guys out,” Trump said, contrasting himself with former President Barack Obama. “He was much less focused on that.”

On health care, Trump said the yet-to-be released replacement for ObamaCare is “really terrific” and “inclusive,” and he said Congress is right not to be hasty in repealing the current law.

“I think we have a great plan and I think Congress is absolutely taking a lot of blame, but it’s not their fault,” Trump said. “I’ve only been here for – what is this my fifth week?”

As the president plans to boost the military, Trump's proposed \$54 billion increase in defense spending is coming largely from cuts to the State Department and Environmental Protection Agency. He suggested Tuesday that foreign aid would be a target of the cuts.

"We're going to do things having to do with other countries because we're treated very, very unfairly," Trump said. "...We're taking care of their military and we're not being reimbursed. They're wealthy countries."

Trump pledged to use his "Art of the Deal" expertise to drive down costs, as well.

"I am going to get involved in negotiating," Trump said. "We have many planes and boats and ships ... we're spending too much money individually on." He said the U.S. would "get a lot more product for our buck."

Trump also said some of the monetary increases would "come from a revved up economy" and pointed to the numerous manufacturers and car makers – such as Carrier, GM and Ford – that have announced investments in U.S.-based factories and jobs since he was elected. Previously, Trump said, "they were fleeing this country." Meanwhile, a bullish stock market has created "trillions of dollars in value."

Part of Trump's plan to add jobs had been stalled by the amount of time it took for the Senate to confirm Scott Pruitt, now the EPA administrator. When Pruitt "gets going" it's going to mean "thousands and millions of jobs," Trump said.

"We have hundreds and hundreds of massive deals that are tied up in environmental protection," he said.

Though he pledged to give the U.S. "the greatest military we've ever had by the time I finish," Trump spoke somberly about the Jan. 29 special operations mission in Yemen that resulted in the death of a Navy SEAL. Sen. John McCain – a frequent Trump foil – had criticized the daring raid, saying he would "not describe any operation that results in the loss of American life as a success." Trump said McCain's remarks were "inappropriate."

"I feel badly when a young man dies and John McCain says, 'That was a failed mission,'" he said.

Trump also ramped up his war with the press, questioning whether many journalists are simply making up the stories he's infamously derided as "fake news."

"I believe that sometimes they don't have sources," Trump said. "I believe that a lot of the sources are made up. I believe a lot of the sources are pure fiction. They just pull it out of thin air."

The White House has been plagued by a deluge of leaks leading to a series of politically embarrassing stories, and it was reported that Press Secretary Sean Spicer, in an attempt to stem the flow, called a meeting with dozens of aides and searched their electronic devices.

While Trump is eager to find the source – or sources – of the leaks, he disagreed with Spicer’s controversial methodology.

“Sean Spicer is a fine human being. He’s a fine person. I would have done it differently,” Trump said. “I would have done it one-on-one.”

He added: “Sean handles it his way and I’m okay with it.”

Trump said the administration had “sort of ideas” who had been leaking information.

“We have people from other campaigns, we have people from [previous] governments,” Trump said.

The Washington Examiner

<http://www.washingtonexaminer.com/trump-executive-order-scraps-epa-water-rule/article/2615956>

Trump executive order scraps EPA water rule

By John Siciliano 2/28/17, 5:00AM

President Trump will sign an executive order Tuesday scrapping a controversial Environmental Protection Agency rule that expanded the agency's jurisdiction over the nation's waterways during the second term of former President Obama.

The regulation, known as the Waters of the U.S. rule, broadened the definition of the type of water body that would fall under EPA's formidable clean water enforcement powers, making everything from streams to ditches and watering holes subject to the EPA's and Army Corps of Engineers' oversight.

The rule has been a top target for the GOP on Capitol Hill for more than two years, with Republicans and some Democrats opposing the regulation, which was renamed the Clean Water Rule after being made final by EPA. Trump vowed to repeal the regulation during his campaign. The executive order is meant to be a sign that he intends to keep his promises to supporters, who want to rein in the Obama administration's overreaching rules.

The executive order makes the legal argument that the rule oversteps the agencies' statutory authority, and therefore must be remanded back to the agencies and reconsidered, White House officials told reporters.

Stay abreast of the latest developments from nation's capital and beyond with curated News Alerts from the Washington Examiner news desk and delivered to your inbox.

"Decisions in the Supreme Court over time have been somewhat confusing, but it's pretty clear that the jurisdictions that oversee this issue should be shrinking," not expanding, one official said. "The problem with the Obama rule is that it vastly expands federal jurisdiction into state and local jurisdictions."

The executive order will instruct the EPA and the Army Corps to go back to the drawing board and review and reconsider the rule, according to the officials.

It will also instruct the agencies, acting with the Justice Department, to petition the federal 6th circuit court of appeals to halt the regulation while the agencies conduct their review and reconsideration. The court is reviewing a major lawsuit against the regulation.

Meanwhile, a non-binding resolution was introduced in the House Monday evening by Rep. Bob Gibbs, R-Ohio, and 36 cosponsors expressing the sense of the House of Representatives that the Waters of the United States rule be withdrawn. The resolution is supportive of Trump's order, although it does not expressly reference it.

"Since the Obama Administration first proposed their WOTUS rule, I've heard from farmers, small business owners, county and township officials, and state environmental officials who have been strongly opposed" to the regulation, said Gibbs.

"This resolution expresses just how important it is to rescind this EPA power grab and start from scratch, working with stakeholders to create a sensible rule that protects water quality and preserves the federal-state partnership of the Clean Water Act," said Gibbs. "Farmers in Ohio and across the nation cannot afford more costly and burdensome regulations from a Washington bureaucracy that thinks it knows best."

The environmental community, in anticipation of the executive order being issued this week, issued statements denouncing the presidential directive as a major step backward for the nation's environment.

"Without the Clean Water Rule's critical protections, innumerable small streams and wetlands that are essential for drinking water supplies, flood protection, and fish and wildlife habitat will be vulnerable to unregulated pollution, dredging and filling," said Bob Irvin, the president of the American Rivers group.

The Verge

<http://www.theverge.com/2017/2/28/14754660/epa-pollution-climate-change-trump-public-popularity-bipartisan-support>

When rivers caught fire and bald eagles were poisoned: why we need the Environmental Protection Agency

By Alessandra Potenza 2/28/17, 8:00AM

Children play in front of a smelter pumping lead and arsenic residue in the air of Ruston, Washington; a woman holds a glass of black, undrinkable water from her well in Ohio; and the view from the George Washington Bridge in Manhattan is so hazy with smog that the New Jersey skyline is impossible to see. These scenes were captured in the early 1970s as part of a project, called Documerica, that was commissioned by the Environmental Protection Agency to document pollution in the US. Today, the photos show what America looked like before environmental protections were put in place — and they serve as an important reminder of why we need those protections.

Today, the future of the EPA is uncertain. The new EPA leader, Scott Pruitt, has made a career out of suing the agency for its environmental regulations, working hand in hand with the fossil fuel industry. President Donald Trump is expected to drastically cut the EPA's budget and workforce, as well as roll back many of the regulations that empower the agency. And a bill meant to terminate the EPA by December 2018 was recently introduced in the House by three Republican congressmen.

But most ordinary people haven't forgotten life before the EPA — and the majority of them don't want these cuts to the agency. More than 60 percent of Americans want to see the EPA's powers preserved or strengthened under Trump, according to a Reuters / Ipsos poll released last month. And it's not just liberals, either — almost half of Republicans wanted the EPA to continue in its mission as well. Only 19 percent of Americans would like to see the agency "weakened or eliminated."

"There's tremendous public support for clean air and clean water, and the basic mission of the agency is tremendously popular," Paul Sabin, an environmental historian at Yale University, tells *The Verge*. "People are counting on the government to provide those protections."

In fact, when the EPA was created in 1970 by Republican President Richard Nixon, there was broad bipartisan support for it. "Restoring nature to its natural state is a cause beyond party and beyond factions," Nixon said in his 1970 State of the Union speech. "It has become a common cause of all the people of this country." That's because in the 1950s and '60s, Americans could witness pollution firsthand — not just in EPA photographs.

Most US cities — from New York to Los Angeles, which was renamed the smog capital of the world — were engulfed in smog. In 1948, in the small town of Donora, Pennsylvania, 20 people died and many others got sick because of toxic, thick yellow smog produced by the local zinc plant and steel mill. In 1969, a layer of oil and debris floating on the surface of the Cuyahoga River in Cleveland was set on fire when sparks from a train landed on the polluted water. The iconic image of the burning river, published in Time, sparked outrage, but in fact the photo was taken in 1952, when a similar accident occurred. Though the Cuyahoga is the most famous, burning rivers across the US were not an unusual sight back then.

The EPA — and environmental regulations like the Clean Air Act and the Clean Water Act the agency enforces — helped change all that. From 1970 to 2015, national emissions of pollutants like lead, carbon monoxide, and nitrogen dioxide have declined by an average of 70 percent. These and more changes meant 160,000 people in the US didn't die prematurely due to air pollution in 2010 alone. But deaths aren't all of it: 86,000 emergency room visits and 13 million lost days from work were also prevented. That's good for human health *and* for the economy. Since the 1980s, the EPA has also worked with local authorities to clean up some of the most polluted sites in the US, from landfills that caught fire to radioactive waste housed close to residential areas.

The EPA has also played a central role in saving wildlife like the iconic bald eagle. After World War II, the birds were ingesting the widely used pesticide DDT. It turned out DDT made eagles lay eggs with such weak shells that the adult eagles would crush the eggs in the nest as they tried to incubate the next generation. By 1963, fewer than 500 nesting pairs of bald eagles remained. In 1972, the EPA banned DDT — which by then was also shown to pose health risks to people — and bald eagle populations rebounded. In 2007, the birds were taken off the threatened and endangered species list.

“The American environment is dramatically improved from what it was in the 1970s, before the EPA was created,” says Cody Ferguson, an assistant professor of history at Fort Lewis College who's currently researching the EPA's Documerica project. And the EPA has “played a central role in affecting those improvements.” Bob Deans, at the Natural Resources Defense Council, says it a bit more bluntly: “The EPA is the last line of defense between environmental ruin and a livable world,” he tells *The Verge*. “Do we want our children to drink water with lead in it? Do we want our rivers catching on fire? Nobody wants these things.”

In his first speech to the EPA, Pruitt said that he wishes to give responsibility for environmental protection back to the states. But pollution doesn't respect state boundaries. For instance, acid rain in the Northeastern US, which was causing strong environmental damage in the Adirondacks in the 1980s, was largely due to pollution coming from Midwestern states like Ohio, Illinois, and Michigan, Deans says. So by setting national standards, the EPA can make sure every state complies with regulations — and prevents damage to surrounding states from ones that might have looser regulations. “An important thing the EPA does is create a level playing field across the nation,” Sabin says.

Today, the environmental challenges aren't as obvious as those of the '60s and '70s — with burning rivers and cities choked by smog — but they're as important as ever. Climate change will pose new threats to our environment and health, from rising sea levels to heat waves and more destructive natural disasters. We're in the middle of a mass extinction. And lead in drinking water is a problem that still affects millions of Americans across the US. “To some degree, we've started taking the environment and environmental protection for granted,” Ferguson says.

But if the EPA's authority is diminished or the agency is terminated, all those years of progress might go to waste. The environmental degradation recorded by the EPA's photos

in the 1970s wasn't so long ago. "We have to acknowledge that just because we had this success, we have these improved conditions, doesn't mean that the job is anywhere near done," Ferguson says. The EPA is "the top national steward to protect our environment and health," Deans says. "What could be more important?"

InsideClimate News

<https://insideclimatenews.org/news/27022017/epa-climate-change-donald-trump>

EPA Removes Mentions of 'Climate Change' in Water Utilities Program

By Georgina Gustin 2/28/17

The Environmental Protection Agency's website has gotten a makeover since the Trump administration took office, with some references to climate change now wiped from its pages.

But the agency removed the word "climate" from a division's name and webpage even before President Donald Trump's inauguration, suggesting that EPA employees may have started constraining information in anticipation of the incoming chill from the new administration.

The division once known as Climate Ready Water Utilities was rebranded as the Creating Resilient Water Utilities in late December, according to archived webpages. By then, Myron Ebell had been in place as head of the agency's transition team for more than a month. Ebell, a senior fellow at the conservative Competitive Enterprise Institute who has long promoted climate denial in his work, was considered a threat to the agency's mission by many of the career employees.

The program's website originally said the initiative "provides the water sector (drinking water, wastewater and stormwater utilities) with the practical tools, training, and technical assistance needed to adapt to climate change by promoting a clear understanding of climate science and adaptation options." The page now highlights resilience to extreme weather events aimed at adaptation, with no mention of climate change.

The original webpage for the EPA's Climate Ready Water Utilities division

Two sections listed on the division's webpage, "Get Climate Training for Your Utility" and "Access Climate Change Resources," were removed. (The links listed in these sections still go to live pages, but they are not accessible via the main page. That includes the link to climate trainings; the page lists one upcoming training, for August 2016.)

One section was changed from "Plan for Climate Change at Your Utility" to "Plan for Extreme Weather." Another was altered from "Assess Your Risk to Climate Change" to

"Assess Your Risk and Find Resources."

The program's website also removed references of climate change from the sidebar, including a link to the "EPA Climate Change Newsroom."

The EPA has not yet responded to requests for comment.

In January, several reports emerged that the new administration ordered the agency to take down its climate change page. But that page remains up, albeit with some changes.

"Early on things disappeared, and then they reappeared," said Patty Lovera, assistant director at the advocacy group Food & Water Watch. "It's a rational theory to worry if people are trying to keep under the radar to protect the core mission."

The Environmental Data and Governance Initiative (EDGI) has been tracking the changes, which have included the removal of language that says the U.S. is committed to international climate pledges and that carbon pollution is the driving cause of climate change.

"I don't know what the motivation was on the timing, but it sure does raise concerns," Lovera said, referring to the renaming of the water division and removal of climate change mentions. "They're recognizing the symptoms, but they can't talk about the disease... It seems silly to have people plan for extreme weather and not have a conversation about what's driving it."

The Climate Ready Water Utilities division, launched by EPA to help water utilities cope with threats from climate change, had appeared poised to get a boost in the EPA's budget proposal for the 2017 fiscal year, prepared toward the end of the Obama administration. It called for additional technical help to 25 urban areas and training for 1,000 water utilities to "improve resilience in drinking water, wastewater, and stormwater systems."

That added infusion of money is under threat now. The Trump administration's new budget proposal will call for a large increase in military spending and slashing the budget of the EPA along with other non-defense agencies, the administration said Monday. While Congress will have the final say on the budget, the proposal sends a signal about the administration's priorities.

Bloomberg

<https://www.bloomberg.com/news/articles/2017-02-27/trump-s-epa-budget-cuts-may-unleash-a-backlash-as-risks-remain>

Trump's EPA Budget Cuts May Unleash a Backlash as Risks Remain

By Jennifer A Dlouhy 2/27/17

President Donald Trump's plan to slash the Environmental Protection Agency's \$8.3 billion budget would almost certainly mean making deep cuts to programs that protect the air and water and invoke fierce protests from environmentalists.

That's because roughly two out of every five dollars dedicated to the EPA ends up steered to state, tribal and local governments. Even Trump's own advisers and the new EPA administrator, Scott Pruitt, say the agency's state environmental grants are off limits. That means the administration would need to reduce the EPA's already tight budget for enforcing environmental laws and its legally mandated portfolio of other work, said John Coequyt, global climate policy director for the Sierra Club.

Opponents plan to fan public outrage, tapping into a movement that has pushed angry constituents to pack lawmakers' town hall meetings to complain about proposed changes to the Affordable Care Act. And in the same way that widespread fondness for Big Bird once helped insulate public broadcasting -- and the flagship show "Sesame Street" -- from evisceration, critics are ready to highlight how budget cutbacks at EPA headquarters translates to air pollution in the heartland and lead pipes delivering drinking water in cities nationwide.

"The core premise here is that they can make very substantial cuts to the agency, leaving alone the state and local grant side, which is roughly half the budget," Coequyt said in a phone interview. "We have real doubts that can be done without substantially weakening the ability of EPA to respond to environmental problems and to carry out its core functions that are all established in law."

That may be the intended goal. Trump has consistently lambasted the agency -- once saying it should disappear altogether -- and criticized EPA regulations that he says burden companies, throttle energy development and delay factory construction.

The EPA is one of the the Trump administration's top targets as it lays out plans to boost defense spending by \$54 billion annually using money freed up by broad reductions across the rest of the government's discretionary budget. It will take more than the EPA to get there; the agency is operating with an \$8.3 billion budget and about 15,000 workers this year -- roughly the same spending level it has maintained for six years.

'Massive Cuts'

"They're talking about massive cuts in an agency whose budget has basically been flat," said David Goldston, director of government affairs for the Natural Resources Defense Council. "They're not hiding their overall goal in terms of a long-run effort to basically hobble the ability of the government to protect the public."

Pruitt sidestepped a question about whether his agency's resources could be sharply reduced during a discussion at the Conservative Political Action Conference on Saturday. But in

speeches since his Feb. 17 confirmation, Pruitt has stressed the importance of EPA's core mission of protecting the air and water, as well as cleaning up toxic Superfund sites. And in an interview with the Wall Street Journal, he pledged to defend the EPA funding that goes to states.

They are on "the front line of a lot of work on air and water quality and infrastructure," Pruitt said. "It's very important that money continue."

And Myron Ebell, a longtime EPA critic who led the Trump transition team focused on the agency, said that reductions could be made without affecting those popular grants for water projects and other infrastructure. Pruitt "doesn't want to touch those pass-through grants," Ebell said in an interview.

Ebell has suggested some cuts could come by paring EPA's workforce through attrition and by delegating more work on water permitting and other matters to states.

Past presidents, however, have found it tough to swing an ax at the agency, which ended up growing under Ronald Reagan's administration, despite a 35 percent cut during his first year in office.

Environmentalists say they will vigorously defend the agency by drawing on support from moderate Republicans in Congress and Americans who value its work to safeguard the air and water.

"We will resist and hold accountable Donald Trump and members of Congress who support a spending plan that puts polluters first over the health of everyday people in this country," said Alex Taurel, deputy legislative director of the League of Conservation Voters.

"Trump's rigged budget would stack the deck in favor of Big Oil and other corporate lobbyists."

Flint's Water

Environmentalists warn that lawmakers and the Trump administration would be risking a backlash the next time there is a public health crisis, such as lead-tainted drinking water in Flint, Michigan.

"Everyone is going to expect them to be there when something happens," Coequyt said.

More than 40 percent of EPA's budget -- about \$3.5 billion -- is dedicated to state and tribal grants used to pay for staff and support an array of programs, including initiatives that protect drinking water. State clean air and water programs also benefit.

Beyond the funding EPA steers to the states, the agency has a wide portfolio of work mandated by Congress, from setting ambient air quality standards for pollution and scrutinizing the toxicity of a slew of chemicals to reviewing state permits for proposed construction in wetlands. It also sets standards for contaminants in drinking water,

supervises oil spill cleanup operations, provides resources to get sewage treatment operations online quickly after disasters and oversees the restoration of toxic Superfund sites.

David Doniger, director of the Natural Resources Defense Council's Climate and Clean Air Program, called the bloodletting "an obvious attempt to damage EPA's capacity over the long term."

Given its relatively small size, "zeroing out the EPA or badly damaging the EPA budget will not go very far to extend our defense capacity. It's a sham argument," Doniger said. Instead, he said, "these guys are thinking ahead; they want to cripple the administrative state over the long term."

Washington Post

https://www.washingtonpost.com/news/energy-environment/wp/2017/02/27/trump-to-direct-rollback-of-obama-era-water-rule-tuesday/?utm_term=.42183ace8c3a

Trump to direct rollback of Obama-era water rule Tuesday

By Juliet Eilperin and Abby Phillip 2/27/17

President Trump on Tuesday will instruct the Environmental Protection Agency and Army Corps of Engineers to "review and reconsider" a 2015 rule known as the Waters of the United States rule, according to a senior official, a move that could ultimately make it easier for agricultural and development interests to drain wetlands and small streams.

The official, who spoke on the condition of anonymity because the executive order had not yet been signed, said the directive aimed to address the concerns of about 30 states and an array of business interests that have criticized the previous administration for overreaching. The final outcome of Trump's order could have tremendous implications for the agricultural, real estate, gravel, sand and ranching sectors, as well as a critical habitat for aquatic species and migratory birds.

Still, it could take well over a year for the directive to be carried out. It will likely trigger a fresh round of rulemaking, but could also lead to extensive litigation as the agencies seek to redefine federal restrictions on what accounts for 60 percent of the nation's water bodies.

The push to unravel the rule marks yet another shift in a decades-long debate over to what extent the federal government can dictate activities affecting the wetlands, rivers and streams that feed into major water bodies. The controversy has spurred two separate Supreme Court decisions, as well as a more recent federal appellate court ruling, as the two previous administrations sought to resolve the matter through executive actions.

Two Supreme Court decisions that came down during the George W. Bush administration, in 2001 and 2006, fostered uncertainty over exactly what falls under the federal jurisdiction under the Clean Water Act. In the 2006 *Rapanos v. the United States* decision, for example, the court's four most conservative justices at the time offered a very constrained view that only "navigable waters" met this test. But Justice Anthony M. Kennedy, who refused to join either the conservatives or the liberals, suggested the government could intervene when there was a "significant nexus" between large water bodies and smaller, as well as intermittent, ones.

Speaking to reporters Monday, the senior administration official said the regulation issued in 2015 "vastly expands federal jurisdictions over state waters, and we think . . . it could potentially violate previous Supreme Court decisions."

While acknowledging that past court decisions have been "confusing," the official said that administration officials think "the Supreme Court has tried to make it clear that the federal agencies that oversee this issue, the Army Corps of Engineers and the EPA, should be shrinking" their say over smaller bodies of water across the country.

Outdoor recreation and environmental groups, however, said the new federal protections were essential to safeguard both public drinking-water supplies and the terrain that sustains an array of waterfowl, fish and other species.

"Without the Clean Water Rule's critical protections, innumerable small streams and wetlands that are essential for drinking water supplies, flood protection, and fish and wildlife habitat will be vulnerable to unregulated pollution, dredging and filling," said Bob Irvin, president of American Rivers.

John Gale, conservation director for Backcountry Hunters & Anglers, who noted that the previous administration had weighed 1 million comments when crafting its rule, said these smaller streams and water bodies create "healthy riparian areas critical to more than 80 percent of our wildlife, including numerous species of big game. Sportsmen will not stand for shortsighted, irresponsible attacks on fundamental conservation laws like the Clean Water Act."

The U.S. Court of Appeals for the 6th Circuit put a nationwide stay on the Obama-era rule last year, and the official said Trump's executive order will instruct the attorney general to go back to that court and "take appropriate steps to hold that case in abeyance while the evaluation occurs at the Army Corps and the EPA."

In addition, the official added, the directive will tell the two agencies to "consider thinking about" a decision by Justice Antonin Scalia in 2006 that suggested dramatically curtailing federal jurisdiction over smaller water bodies.

Mace Thornton, a spokesman for the American Farm Bureau Federation, said in an email that as his group has fought against the current policy, "our constant message has been that regulators need to go back to the drawing board to get this rule done right."

“We welcome this action, but realize a lot of work lies ahead to secure a policy that works in a fair and transparent manner,” Thornton added.

The Hill

<http://thehill.com/policy/energy-environment/321481-trump-to-propose-24-percent-cut-in-epa-spending-reports>

Trump to propose 24 percent cut in EPA spending: reports

By Devin Henry 2/27/17

The Trump administration plans to propose a one-fourth to cut the Environmental Protection Agency’s (EPA) budget, a plan that would end up laying off 20 percent of the agency’s staffers, according to reports.

Trump officials will propose a \$6.1 billion for the EPA next year, a \$2 billion cut from current levels, according to reports in E&E News and Politico, citing sources.

The agency’s staffing levels would fall to 12,000 workers, from 15,000 currently, according to the reports.

An EPA spokesman did not immediately return a request for comment from The Hill.

The proposed spending levels at the EPA come on the day the White House sent spending blueprints to federal agencies ahead of a budget rollout next month. Trump is planning a \$54 billion cut in domestic discretionary spending, which would then be used to increase spending for the Defense Department.

The Trump administration has said it plans to target EPA climate programs expanded under President Obama. EPA Administrator Scott Pruitt this weekend that he would work to end several regulatory efforts that the agency has in the works.

If the EPA cuts were realized, the agency’s budget would be at its lowest level since the early 1990s, and its staffing levels would be lower than any time since the 1980s.

It’s unclear if Congress will be willing to accept cuts as deep as those Trump is set to propose for the EPA.

The House Appropriations Committee in 2015 sought to cut the agency’s funding by \$718 million, an amount far smaller than the White House will propose.

Environmentalists on Monday slammed proposed deep cuts to the agency, indicating a

major push from greens and advocacy groups to keep EPA funding as intact as possible. Democrats are also likely to oppose the effort.

Politico

<http://www.politico.com/story/2017/02/epa-environment-trump-budget-235466>

Sources: White House proposes to cut EPA budget by quarter

By Alex Guillen 2/27/17

The White House has proposed slashing EPA's budget by about a quarter and eventually eliminating 1 in 5 of the agency's workers, according to sources familiar with the budget proposal sent to EPA on Monday.

That budget proposal would set EPA's budget at \$6.1 billion, down from its current level of \$8.1 billion, according to two sources outside the agency. EPA's budget hasn't been that low since 1991, according to agency records. One of those sources also said that the White House has proposed reducing EPA's 15,000-strong workforce to 12,000, a level not seen since the mid-1980s.

The White House declined to confirm the figures.

One source told POLITICO that the proposed cuts were "far more severe than anyone imagined." And an EPA employee said staff were buzzing on Monday about the possibility of such a massive cut to the agency's budget.

In a brief interview, a senior EPA official refused to confirm the proposed cuts, adding that he was "not in a position to discuss it publicly." The official said the budget blueprint is part of a "deliberative process" between the White House and EPA, adding that the Office of Management and Budget is expecting a response from the agency by Wednesday afternoon.

The White House said Monday it is seeking to hike defense spending by \$54 billion, a jump offset by shrinking spending at non-security agencies across the federal government.

Monday's proposal is part of the initial stages of the Trump administration's budget-crafting process. Agencies will return the proposals with comment in the coming days, and the Office of Management and Budget will release a "budget blueprint" on March 16, OMB Director Mick Mulvaney said. A full, detailed budget plan will not be released until May.

It remains unclear whether congressional Republicans will be willing to make such drastic budget shifts, but Democrats and environmentalists are already blasting the Trump proposal's domestic spending cuts.

“Reckless cuts to the EPA — the agency responsible for protecting public health and our environment — are not what Americans voted for in November,” said Sen. Tom Carper (D-Del.).

“Here's what cutting EPA's budget means in the real world: more air pollution, more asthma attacks for kids, more health problems. This isn't about budget savings. It is about giving big polluters a license to pollute without consequences,” said Elizabeth Thompson of the Environmental Defense Fund.

Huffington Post

http://www.huffingtonpost.com/entry/donald-trump-epa-budget_us_58b44dfde4b0a8a9b7848f09?0zj4o7o1lauyjh5mi&&utm_medium=email&utm_campaign=The%2

White House to Propose Massive Cuts to EPA Budget

Alexander C Kaufman 2/27/17, 5:58PM

President Donald Trump is expected to propose deep cuts to the Environmental Protection Agency's budget as part of an effort to redirect federal spending toward a military buildup.

The move could diminish the EPA budget as much as 24 percent, according to a report by E&E News, the environmental and energy news service that has cranked out a steady stream of scoops on the new administration.

The cuts should come as no surprise. Trump has assembled the most openly polluter-friendly Cabinet in recent history, putting climate science skeptics and fossil fuel executives in key posts with environmental powers. He named Myron Ebell, a once-fringe conspiracy theorist who shares the president's view that global warming is a hoax, to lead the EPA transition team. He also nominated Scott Pruitt, a former Oklahoma attorney general who sued the EPA 13 times and has deep ties to oil and gas companies, as EPA administrator. Pruitt was narrowly confirmed by the Senate this month.

On Saturday, Pruitt said that proposals to abolish the EPA were “justified” because of the agency's actions under the Obama administration.

“I think people across this country look at the EPA much as they look at the IRS,” Pruitt said during an appearance at the Conservative Political Action Conference in Maryland. “There are going to be some big steps taken to address some of those regulations.”

A policy memo leaked to Axios outlined plans to cut hundreds of millions of dollars from the EPA's budget. The targets for cuts included various grants to states and Native American tribes, climate programs, and environmental programs and management. To boot, Inside EPA reported earlier this month that Trump is weighing closing the agency's Office

of Enforcement and Compliance Assurance. That office handles both civil and criminal enforcement of the country's core environmental laws, including the Clean Air Act, the Clean Water Act, the Oil Pollution Act and the Safe Drinking Water Act. Without it, the EPA would be largely toothless.

Eliminating environmental protections and climate change research alone won't free up enough money to cover the military spending. The EPA's \$8 billion budget made up just 0.22 percent of federal spending last year. Climate change funding across all agencies comprised \$11.6 billion in 2014, according to data from the Government Accountability Office.

In the 2016 fiscal year, the Department of Energy spent more than \$2 billion on energy efficiency and renewable energy — money that the White House plans to redirect to oil, gas and coal, an energy lobbyist who served as a top aide to the president's transition team told Time. The agency spent \$1 billion on nuclear energy and more than \$600 million on fossil fuels.

Republican lawmakers have made a federalist argument for shrinking the EPA, insisting that environmental protection is a matter best handled at the state level. And it's true that the EPA has sometimes failed to address local concerns. Some emailed complaints to the agency, requesting help on issues of drinking water safety, illegal oil dumps, ozone pollution and potential asbestos exposure, went unread for more than a year, according to a report published Monday by Bloomberg BNA.

"For six years in the legislature, I had a front-row seat to the failures of the federal government in protecting the environment," Rep. Matt Gaetz (R-Fla.), the freshman congressman who introduced a bill to "completely abolish" the EPA, said earlier this month in a Facebook video. "The question isn't whether to protect the environment. The question is, who is better equipped to actually do that?"

However, that argument fails to address the key role the agency plays in policing cross-border issues — a topic that came up during Pruitt's confirmation hearing when a senator asked the nominee about air pollution blown on the wind from one state to another.

"Under your vision for EPA, it sounds like states would be left on their own to deal with this very complex problem," Sen. Tom Carper (D-Del.) said during Pruitt's confirmation hearing. "How do states address this pollution, this kind of pollution you see demonstrated here, without the assistance of the EPA?"

To be sure, the EPA has weathered administrations critical of its mission before. The Sierra Club accused President George W. Bush's EPA of undoing "decades if not a century of progress on the environment" with such brazen moves as refusing to implement the 1992 Kyoto climate deal. Anne Gorsuch, President Ronald Reagan's EPA chief and the mother of Supreme Court nominee Neil Gorsuch, presided over what The Washington Post described as "a steep decline in cases filed against polluters and a scandal over the mismanagement of the Superfund cleanup program that ultimately led to her resignation in 1983."

The push to kneecap the EPA could prove unpopular. In December, 59 percent of U.S. adults said stricter environmental laws and regulations are worth the cost, versus just 34 percent who said such rules cost too many jobs and hurt the economy, according to a survey conducted by the Pew Research Center. A Reuters/Ipsos poll released in January found 61 percent of Americans would like to see the EPA preserved at the same size or expanded, compared to 19 percent who said it should be weakened or eliminated.

During a hometown rally near Pensacola, Florida, last week, Gaetz took a question from a voter who said she previously worked at the Florida Department of Environmental Protection. She described an agency that could not execute its mission alone.

“Air, land, water, they don’t know boundaries,” said the woman, whose remarks were captured in a live stream of the event. “Please just consider withdrawing the bill.”

Kevin McGonagle

Office of Media Relations Intern

U.S. Environmental Protection Agency

Telephone: (202)-564-4524

mcgonagle.kevin@epa.gov

Katherine So

Office of Media Relations Intern

U.S. Environmental Protection Agency

Telephone: (202)-564-4511

so.katherine@epa.gov

To: Mashburn, John K. EOP/WHO
From: Benton, Donald
Sent: Thur 2/2/2017 6:43:41 PM
Subject: copy of WH email to Acting Administrator on Storm water Permit for New Hampshire

EOP/Ex. 6

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: "Dearborn, Rick A. EOP/WHO"
Date: January 30, 2017 at 8:27:24 PM EST
To: "mccabe.catherine@epa.gov" <mccabe.catherine@epa.gov>
Subject: Storm water Permit for New Hampshire

EOP/Ex. 6

Federal Register publication of the EPA's Small MS4 Storm Water General Permit for New Hampshire has not yet occurred, and EPA shall not publish the Permit to the Federal Register until further notice in order to allow officials of the new administration an opportunity to review the permit.

To: Mashburn, John K. EOP/WHO **EOP/Ex. 6**
From: Benton, Donald
Sent: Tue 2/28/2017 5:59:14 PM
Subject: Re: WOTUS EO

No John that was signed over week ago.

Sent from my iPhone

On Feb 28, 2017, at 11:55 AM, Mashburn, John K. EOP/WHO
EOP/Ex. 6 wrote:

I thought it was a WOTUS CRA bill signing, not an EO.

Sent from my iPhone

On Feb 28, 2017, at 11:31 AM, Benton, Donald <benton.donald@epa.gov> wrote:

Is the President signing WOTUS EO today at 1:30?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711

<image001.png>

To: matthew.j.flynn [REDACTED] EOP/Ex. 6 Mashburn, John K.
EOP/WHO: [REDACTED] EOP/Ex. 6
From: Benton, Donald
Sent: Tue 2/28/2017 4:46:50 PM
Subject: FW: OPA Clips 2/28/17

Matt and John,

Is this report accurate? At 1:30 today? Can I be there, should I be there?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: McGonagle, Kevin
Sent: Tuesday, February 28, 2017 10:09 AM
To: So, Katherine <so.katherine@epa.gov>; McCabe, Catherine <McCabe.Catherine@epa.gov>; Reeder, John <Reeder.John@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Slotkin, Ron <slotkin.ron@epa.gov>; Sowell, Sarah <Sowell.Sarah@epa.gov>; Hart, Daniel <Hart.Daniel@epa.gov>; Orquina, Jessica <Orquina.Jessica@epa.gov>; Actadmmccabe, Catherine17 <[REDACTED] Personal Email/Ex. 6 [REDACTED]>; Benton, Donald <benton.donald@epa.gov>; Bangerter, Layne <bangerter.layne@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Ericksen, Doug <ericksen.doug@epa.gov>; Konkus, John <konkus.john@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Kreutzer, David <kreutzer.david@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Schnare, David <schnare.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Sugiyama, George <sugiyama.george@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Valentine, Julia <Valentine.Julia@epa.gov>; AO OPA Media Relations <AO_OPA_Media_Relations@epa.gov>
Cc: McGonagle, Kevin <mcgonagle.kevin@epa.gov>
Subject: OPA Clips 2/28/17

Below: Reuters, AP, Bloomberg BNA (3), The Hill, The Week, Fox News, The Washington Examiner, The Verge, InsideClimate News, Bloomberg (2/27), Washington Post (2/27), The Hill (2/27), Politico (2/27), Huffington Post (2/27)

Reuters

<http://www.reuters.com/article/us-usa-water-idUSKBN16712K>

Trump to order review of Obama waterway regulation: official

By Ayesha Rascoe 2/28/17

U.S. President Donald Trump will sign a measure on Tuesday directing regulators to review an Obama administration regulation that expanded the number of federally protected waterways, a senior White House official said.

Trump's order will also direct the Justice Department to ask a federal court to put legal challenges to the rule on hold as the administration conducts its review, the official said.

The order will kick off what will likely be a lengthy process to undo the Waters of the United States (WOTUS) rule, which was finalized by the Environmental Protection Agency and the U.S. Army Corps of Engineers in 2015 to clarify which bodies of water are covered by the Clean Water Act.

The rule has faced intense political and legal opposition from Republicans lawmakers, farmers and energy companies. It was blocked by a federal appeals court pending further court challenges.

"The problem with the Obama administration WOTUS rule is that it vastly expands federal jurisdiction into state and local areas and land use decisions," the official said.

The official said that federal law requires that the administration undertake a formal evaluation of the rule before a decision is made about whether to rescind the regulation.

Calling the rule "very large and complex," the official said the review would likely take a "long time to get through."

Critics contend the rule crafted by the Obama administration could apply to ditches and small isolated bodies of water.

EPA Administrator Scott Pruitt told a conservative summit on Saturday that the regulation had

"made puddles and dry creek beds across this country subject to the jurisdiction of Washington DC. That's going to change."

The EPA under President Barack Obama said the rule protects waters that are next to rivers and lakes and their tributaries "because science shows that they impact downstream waters."

Dozens of agricultural groups, states and municipalities had sued to block the rule. The challengers contend the agencies' change improperly expanded federal regulatory power.

AP

http://hosted.ap.org/dynamic/stories/U/US_TRUMP_WATER_RULES?SITE=AP&SECTION=HOME&TEMP

Trump ordering review of Obama rule protecting small streams

By Jill Colvin 2/28/17

WASHINGTON (AP) -- President Donald Trump will sign an executive order Tuesday mandating a review of an Obama-era rule aimed at protecting small streams and wetlands from development and pollution.

The order will instruct the Environmental Protection Agency and Army Corps of Engineers to review a rule that redefined "waters of the United States" protected under the Clean Water Act to include smaller creeks and wetlands, according to a senior White House official.

The official briefed reporters on the condition of anonymity, despite the president's recent complaints about unnamed sources.

Trump had railed against the water rule during his campaign, slamming it as an example of federal overreach. Farmers and landowners have criticized the rule, saying there are already too many government regulations that affect their businesses, and Republicans have been working to thwart it since its inception.

But Democrats have argued that it safeguards drinking water for millions of Americans and clarifies confusion about which streams, tributaries and wetlands should be protected in the wake of decades-long uncertainty despite two Supreme Court rulings.

The order Trump is set to sign will also instruct the agencies to ask the attorney general to suspend ongoing court action while the review is underway. Implementation of the rule has been held up in court due to pending legal challenges.

The president has promised to dramatically scale back regulations that he says are holding back businesses, and has signed several orders aimed at that goal.

The League of Conservation Voters issued a pre-emptive statement slamming the expected move.

"This executive order is about one thing: protecting polluters at the expense of our communities and their access to clean drinking water," Madeleine Foote, the group's legislative representative, said in a statement.

Bloomberg BNA

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=106340455&vname=dennotallissues&wsn=49862200

As Budget Cuts Loom, Industry Seeks to Save Some EPA Programs

By Tiffany Stecker 2/28/17

President Donald Trump sent out his budget blueprint to federal agencies Feb. 27, seeking to slash the budget for the EPA and other agencies while boosting defense spending by \$54 billion.

With a baseline for the next fiscal year in hand—pending approval from Congress, which authorizes and appropriates funds to federal agencies—EPA leaders will have to ask themselves a difficult question: what will be the first programs to go? Chemical industry groups are hoping the incoming administration will save its key programs at the Environmental Protection Agency that are essential to keep their businesses moving.

The pesticide industry, which depends on the Office of Chemical Safety and Pollution Prevention to put its products on the market, has been particularly active in telling the White House's advisers not to blindly take a hatchet to the agency's budget.

Industries Lobby for Strengthening EPA Program

"This administration has made no big secret about cutting the EPA," Ed Ruckert, an attorney in the Washington office of McDermott, Will and Emery who represents several agricultural and pest control organizations, told Bloomberg BNA. "I think you're going to see industry say 'this is an organization that needs to be maintained and strengthened'."

Many industries—from the power plant sector to construction, to water utilities—depend on the EPA to issue the permits necessary to legally operate their businesses. Slowdowns or halts in permitting could constrain operations.

But pesticide manufacturers that make crop insecticides, household disinfectants and other such chemicals are unique because they pay fees to the Office of Pesticide Programs to ensure that work gets done. Congress is poised to reauthorize a bill later this year that would renew the business's commitment to paying dues in exchange for certainty about the approvals they legally need to stay in business.

Under the latest iteration, the Pesticide Registration Improvement Act ([H.R. 1029](#)) will allow the EPA to raise up to \$31 million—an increase from \$27.8 million—to maintain the registrations of existing pesticides. At the same time, congressional appropriations since fiscal year 2010 have dropped from about \$143 million per year to about \$120 million. Congress has sidestepped this obligation by issuing waivers that allow the industry fees to fund pesticide licensing despite the low appropriations.

The PRIA Coalition—headed by agricultural pesticide association CropLife America and consumer trade group, the Consumer Specialty Products Association—have met with the EPA and with lawmakers to press their case to preserve the program.

Doug Ericksen, spokesman for the transition team at the EPA, did not respond to Bloomberg BNA's request for comment on the agency's budget.

The agency's new administrator, Scott Pruitt, made his name fighting the Obama administration in court over high-profile regulations on climate change and water. E-mails released to the public last week by the Center for Media and Democracy show that Pruitt worked closely with the oil and gas industry on policy issues as he served as Oklahoma's attorney general. Backers of the agency under President Barack Obama fear that Pruitt will put a target on the agency's climate change work, undoing much of the effort his predecessors Lisa Jackson and Gina McCarthy put forward.

The clampdown on the agency comes after a steady decline in the budget over the last seven years. The EPA's spending allowance has declined from \$10.3 billion in fiscal year 2010 to \$8.1 billion in fiscal year 2016.

Drastic Impacts?

Former agency officials are decrying the impact of the expected cuts.

Staff already has grappled with smaller conference travel budgets, cuts in discretionary expenses, and less contractor support to assist with reducing environmental and health risks, said Jim Aidala, former EPA assistant administrator under President Bill Clinton and now a senior government affairs consultant with Bergeson and Campbell, P.C.

“The agency is really operating on a bare bones budget,” Mathy Stanislaus, the former head of the EPA's Office of Land and Emergency Management, told Bloomberg BNA. Stanislaus was a presidential appointee in the Obama administration.

The EPA is already operating at a “life support level,” said Tracey Woodruff, a former scientist in the Office of Policy under Presidents Clinton and George W. Bush.

“It's going to have really drastic implications for EPA's ability to enforce environmental regulations,” Woodruff, now director of the Program on Reproductive Health and the Environment at the University of California, San Francisco, told Bloomberg BNA.

Myron Ebell, a director at the Competitive Enterprise Institute and former environmental adviser to Trump, said earlier this year that the administration could cut the agency's staff levels by two-thirds.

“Good luck with that,” Aidala told Bloomberg BNA, responding to the possibility of such a drastic cut. “It would be very tough to do it.”

Voluntary Programs in the Cross-Hairs

But offices like the pesticides division—and the air and water offices that have drawn fire for recent regulatory proposals—won't be the first to feel a belt-tightening said Daniella Taveau, a former trade negotiator for the EPA.

Non-mandatory voluntary programs could be the first to get cut or moved to the private sector, said Taveau, who now works as a regulatory and global trade specialist for King & Spalding LLP in Washington. The best known example of these is the EnergyStar program, which certifies energy-efficient appliances.

“We should expect a leaner organization, focused on the core mission of EPA,” she told Bloomberg BNA. That means cutting some programs, but also reinvesting in information technology, communications and scientific research, she said.

Taveau and others expect some former George W. Bush appointees to return to the agency. Changes in leadership at the regional level, often the first and ablest responders to local environmental crises, may also be afoot.

But Taveau thinks the cuts offer the EPA a chance to improve management and create a more efficient agency, allowing the EPA to emerge as a regulatory model for the world.

If Pruitt is able to cut some of the perceived excess, said Taveau, “I think he could be a hero.”

Bloomberg BNA

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=106340456&vname=dennotallissues&wsn=49863200

Repealing Waters Rule Would Take a While, Maintain Uncertainty

By Amena H Saiyid 2/28/17

Getting rid of a rule clarifying which types of waters are federally protected—or any federal regulation for that matter—is not as simple as issuing an executive order.

President Donald Trump's expected order to withdraw the Obama administration's Clean Water

Rule (RIN: 2040-AF30) only sets in motion a process that could take at least 18 months to complete, legal observers familiar with the rulemaking process said.

Builders, mining operations, agricultural interests and others—many of which are players in the dozens of challenges to the rule on grounds that it amounts to federal overreach—will be left, meanwhile, with the uncertainty that prompted the regulation in the first place. Companies that can be affected by the regulation, also called the Waters of the U.S. Rule (WOTUS), include Peabody Energy, an international coal mining company, Pulte Homes and Toll Brothers, major home builders.

These companies will have to rely on federal guidance issued following a 2006 U.S. Supreme Court ruling that many said added confusion to which wetlands and various types of waters not clearly connected to rivers or lakes can be covered by federal permitting requirements. Add to that the confusion from the guidance itself that contributed to the conclusion that EPA and the corps simply needed to write a new rule to sort it all out.

To withdraw a rule, agencies—in this case the Environmental Protection Agency and the U.S. Army Corps of Engineers—must go through a formal rulemaking process that involves notifying the public that the regulation is being repealed and then take comment on that action. The agencies also will need time to undo the rationale used to justify the rule.

“Realistically, it would be hard for the new administration to go through notice-and-comment rulemaking on replacing the WOTUS rule in less than 18 months, and the process easily could take much longer,” Neil McAliley, shareholder attorney with the Miami office of Carlton Fields Jorden Burt P.A., told Bloomberg BNA Feb. 27.

‘Repeal and Replace’

The Trump order is expected to “repeal and replace” the rule with something that gives states more authority to decide what gets covered by the Clean Water Act.

Thirty-two states, including Oklahoma—represented by Scott Pruitt prior to his becoming EPA Administrator—opposed the 2015 water rule on grounds that the EPA and the corps trampled their rights and took over land-use decisions in asserting jurisdiction over waters.

The Association of Clean Water Agencies, which represents state and interstate water pollution agencies, is waiting to see how the order will improve federal state relations that states such as Oklahoma said were frayed during the Obama administration.

“We are looking forward to working with the new administrator and his team on rebalancing the state/ federal relationship. But time will tell,” said Julia Anastasio, the association's general counsel and executive director.

At this point, it isn't clear whether the executive order will be just a “high level directive” requiring the agencies to withdraw the rule or whether it will contain instructions to the agencies on how to rewrite the rule, said David Chung, a partner with Crowell & Moring LLP's

environment and natural resources practice.

“Is it it going to announce what might be the lawful scope of the Clean Water Act,” Chung said.

Chung compared the status of the water rule with that of the Affordable Care Act, which Trump has promised to replace without providing details about what comes next.

No Overnight Repeal

Developing a rule usually takes a long time. McAliley pointed to how long it took the Obama administration to complete the WOTUS rulemaking: The EPA announced the creation of the scientific advisory board to advise on technical issues surrounding the rule in March 2013; the notice of proposed rulemaking was issued in April 2014, and the final rule was issued in June 2015.

“That timeline just includes the notices in the Federal Register and not the preparation time before they launched the formal process,” McAliley said.

McAliley said the Trump administration might be able to streamline parts of this process, for instance by requiring less time for consultation with members of Congress.

But the agencies still have the major time-consuming task of undoing the rationale and technical record that the EPA and the corps developed under the Obama administration to justify the rulemaking, according to Steven Miano, shareholder attorney with the Philadelphia-based Hangley Aronchick Segal Pudlin & Schiller.

Formal Withdrawal Would be Challenged

The EPA and the corps would be exposed to challenges and lawsuits once they formally withdraw the water rule, just as they were challenged all over the country when they first issued it, Miano said.

While 32 states and upward of 50 business, manufacturing and agriculture groups challenged the rule, seven states supported it and many environmental groups that largely back the rule challenged certain provisions in the rulemaking.

Lawyers and policymakers agree that any proposed rule that the agencies issue would face opposition and would probably be subject to legal challenges, Miano said.

Gearing Up for a Fight

Representatives from the Natural Resources Defense Council made it clear in a Feb. 27 briefing that they would challenge the Trump administration every step of the way as it undoes the water rule, or the Clean Power Plan, the rule that set first-ever regulations for greenhouse gas emissions from power plants.

If the federal government shies away from meeting its Clean Water Act obligations then “we shall fight them,” Jan Goldman-Carter, the National Wildlife Federation's senior manager and counsel on wetland water resources, said at a recent American Law Institute-Continuing Legal Education seminar on Environmental Law.

As for the pending lawsuit challenging the merits of the water rule, which the U.S. Courts of Appeals for the Sixth Circuit has put on hold during the litigation, McAliley said the agencies could ask the court to return the regulation for further consideration (*In re Murray Energy Corp. v. EPA* (*In re EPA and Dep't of Def. Final Rule*), 6th Cir., No. 15-3751, order 1/25/17).

“Then it could have the effect of ending the current round of litigation,” he said. “If the existing rule is not remanded to the agencies, then the current litigation would continue.”

Buried in the tangle of lawsuits is the question of which court even has the authority to hear challenges to the rule. This is a question the U.S. Supreme Court is expected to resolve sometime next year. Most attorneys say they don't expect the Trump administration to back away from the Supreme Court case over the question of court venue because that same question will be debated if and when a new water rule is written.

Property owners, meanwhile, will continue to grapple with the question of whether they need a Clean Water Act permit for activities on their land. That in turn means more challenges and litigation to clarify the scope of jurisdiction, as the rulemaking was issued to provide certainty, Miano said.

Bloomberg BNA

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=106340457&vname=dennotallissues&wsn=49862550

How Exactly Will Pruitt Kill Clean Power Plan?

By Andrew Childers 2/28/17

EPA Administrator Scott Pruitt has sentenced the Clean Power Plan to death. Now it's only a matter of determining the method of execution.

President Donald Trump could sign an executive order this week directing the Environmental Protection Agency to walk back the Obama administration's signature climate rule, which Pruitt as Oklahoma attorney general had opposed. Repealing the Clean Power Plan, a lengthy process sure to invite legal challenges from environmentalists, is the first shot in a broader effort to undo the Obama administration's efforts to address climate change.

Speaking at the Conservative Political Action Conference, Pruitt said the EPA would abide by the power that Congress expressly delegated, mirroring arguments he's previously made against the regulation.

“We have to send a message across the country that we're going to provide certainty by living within the framework Congress has passed,” he said. “So we're going to see regulations rolled back that aren't consistent with that—[Waters of the U.S.], Clean Power Plan, the methane rule.”

Think Smaller

While Pruitt has set his sights on killing the Clean Power Plan, embracing less onerous carbon dioxide standards on the power industry could stymie environmentalists' legal challenges to any attempt to roll back climate regulations, attorneys said. Doing that would be “the most lock-solid, defensible, march-it-through-the-courts approach,” Megan Berge, a partner in Baker Botts LLP's Washington, D.C., office who represents industry groups, told Bloomberg BNA.

“The way to go is, don't be creative. Just do what the statute says,” she said.

As Oklahoma attorney general, Pruitt helped lead the legal fight against the Clean Power Plan, which was issued under Section 111(d) of the Clean Air Act. He even offered his own counter plan, which gave states more leeway to set their own emissions targets—even setting less-stringent emissions limits than federal standards in some instances. That plan could form the basis for a much narrower alternative that would implement that section of the law more in line with the EPA's past application rather than the Obama administration's far broader interpretation.

The Obama EPA took Section 111(d), a rarely used provision of the Clean Air Act, and read its powers broadly, attempting to regulate not just emissions from power plants but prioritizing renewable energy and natural gas generation in an effort to reduce emissions from the power sector overall. Requiring individual power plants to reduce their emissions through improvements to their heat rate would have produced far more modest emissions reductions than the 30-percent cut envisioned under the Clean Power Plan.

“If they put forward some alternative, I think they have a higher likelihood of surviving,” said Michael Burger, executive director of the Sabin Center for Climate Change Law at Columbia Law School, who represents cities supporting the carbon dioxide standards in litigation over the rule.

High Risk, High Reward

But if Pruitt wants to completely foreclose greenhouse gas regulation of the power sector, he may need to embrace another EPA regulation he had opposed. Opponents of the Clean Power Plan have long argued that the rule represents an overreach on the part of the EPA because the Clean Air Act bars regulating carbon dioxide from power plants under Section 111(d). That, the opponents say, is because those units are already regulated under Section 112.

The so-called Section 112 exclusion would be a way to undo the Clean Power Plan and bar similar regulations on utilities and other stationary sources of emissions going forward.

“The Section 112/111 exclusion is going to be attractive to people who really want to put this to

bed,” Berger said. “It reexamines whether they really do have the authority. It's whether, not how.”

When the Clean Air Act was last amended in 1990, conflicting amendments were adopted to Section 111(d). The House amendment bars the EPA from regulating industrial facilities under Section 111(d) if they are already subject to toxic pollutant limits under Section 112, as are power plants. The Senate amendment merely prevents the EPA from regulating the same pollutants under both provisions.

Opponents of the Clean Power Plan argue that the House language should take precedence and since power plants are already subject to the Mercury and Air Toxics Standards under Section 112, their carbon dioxide emissions could not be regulated under Section 111(d) as well.

Pruitt was among the challengers to the mercury rule, but utilities have already met that rule's requirements.

While reinterpreting the EPA's reading of the Section 112 exclusion would put a definitive end to the Clean Power Plan, the unusual nature of the conflicting amendments and the statutory interpretation problems they pose could also make that approach more vulnerable to legal challenges.

“Complexity is no one's friend when they're trying to get anything done before a court,” William Yeatman, a senior fellow at the Competitive Enterprise Institute, told Bloomberg BNA.

Court is Still Deliberating

Complicating any plans the Pruitt EPA may have going forward is a pending decision from the U.S. Court of Appeals for the District of Columbia Circuit on the legality of the rule. Ten judges from the court heard a full day of argument on the rule in 2016 and a decision is expected soon (West Virginia v. EPA, D.C. Cir. en banc, No. 15-1363, 9/27/16).

The Trump administration has yet to ask the court to send the rule back for correction, something that would be expected if the EPA intends to revoke or revise the regulation.

“You wouldn't go about revising the rule leaving the case ongoing,” Yeatman said. “The first thing you would do, and I don't understand why they haven't done this yet, is you go to the court and you say that.”

The Hill

<http://thehill.com/policy/energy-environment/321490-trump-moves-toward-repealing-obama-epa-water-rule>

Trump moves toward repealing Obama EPA water rule

By Timothy Cama and Jordan Fabian 2/28/17

President Trump will order the Environmental Protection Agency (EPA) on Tuesday to formally review former President Barack Obama Clean Water Rule, kicking off the process of eliminating or significantly changing the rule.

The executive order is the first step toward fulfilling one of Trump's key campaign promises, repealing a regulation that's been a top target for Republicans and numerous business interests.

It is also the first regulatory action he has taken specific to the EPA, with more actions likely to come to roll back Obama's aggressive environmental agenda.

Trump could soon act to change or reverse Obama's Clean Power Plan, the centerpiece of his effort to fight climate change, and his budget is expected to seek significant cuts to the EPA's funding, workforce and enforcement activities.

A senior administration official told reporters Monday that the order would not rescind the waterways rule, because that has to be done through a formal regulatory process.

Instead, the order will instruct the EPA and the Army Corps of Engineers to formally reconsider the rule, which could lead to its repeal or a significant rewrite.

The official said Trump can't legally prejudge the outcome of the rulemaking process, which could take well over a year to complete.

The 2015 regulation, also known as Waters of the United States, asserts federal power over small waterways such as wetlands, headwaters and ponds, requiring Clean Water Act permits for any actions that could harm or pollute them. The Obama administration said 117 million Americans' drinking water relies on those waterways.

The rule is currently on hold. The Court of Appeals for the Sixth Circuit, based in Cincinnati, ordered it halted in 2015 while numerous lawsuits challenging the rule wind their ways through the court system.

Scott Pruitt, the current EPA head and former attorney general of Oklahoma, led one of the lawsuits.

To Republicans and such industries as agriculture, developers and energy companies, the rule would have added a major new burden by requiring costly permits for numerous land uses. Opponents say its definitions are so broad that puddles could be put under federal control.

"The problem with the Obama administration's WOTUS rule is that it vastly expands federal jurisdiction into state and local areas of land use," the administration official said. "It vastly

expands federal jurisdiction over state waters and we think, in looking at it, it could potentially violate the Supreme Court decisions.”

The order specifically asks the agencies to consider the late Supreme Court Justice Antonin Scalia wrote in the 2006 case *Rapanos v. United States*, saying the Clean Water Act ought only to cover navigable waters and waterways “with a continuous surface connection” to them — a far more restrictive definition than what the Obama EPA put into its rule.

The official said the EPA will also be instructed to ask the Sixth Circuit court to put the litigation against it on hold while the administration reviews it.

The Week

<http://theweek.com/speedreads/682818/white-house-proposes-massive-epa-budget-cuts>

White House proposes massive EPA budget cuts

By Becca Stanek 2/28/17, 7:49AM

A day after reportedly proposing massive cuts to the Environmental Protection Agency's budget, the White House is expected to move forward Tuesday with an executive order undoing the Obama-era rule Waters of the United States. Though Trump's order rolling back the rule protecting America's major waterways would have "almost no immediate legal effect," The New York Times noted it will "essentially give Mr. Trump a megaphone to direct his Environmental Protection Agency administrator, Scott Pruitt, to begin the process of rewriting" the 2015 regulation.

On Monday, the White House sent another message to Pruitt with a proposal that reportedly suggested cutting a quarter of the EPA's budget and "eventually eliminating 1 in 5 of the agency's workers," Politico reported. The proposed cuts, which one person told Politico were "far more severe than anyone imagined," would lower the EPA's budget to its lowest level since 1991, and leave the EPA the most sparsely staffed it's been since the mid-1980s. The White House did not confirm the figures.

Next up, the White House is reportedly expected to sign an executive order to begin undoing former President Barack Obama's climate-change regulation curbing greenhouse gas emissions.
Becca Stanek

Fox News

<http://www.foxnews.com/politics/2017/02/28/trump-previews-joint-address-to-congress-takes-blame-for-ineffective-communications.html>

Trump previews joint address to Congress, takes blame for communication issues

By Cody Derespina 2/28/17

President Trump said in an exclusive interview Tuesday that his address to Congress this evening will focus on the central planks of his campaign – the military, the border, jobs and health care – and he took responsibility for any communications miscues that have blunted the effectiveness of his message in the early days of the administration.

Trump, in an interview with “Fox & Friends,” specifically cited his immigration policy, and said that perhaps the rollout of his plan to keep out and remove criminal illegals hadn’t been communicated effectively.

“And maybe that’s my fault,” Trump said.

He later awarded himself a grade of a “C” or “C-plus” on communicating, straightforwardly saying, “My messaging isn’t good.” He clarified that he would give himself an “A” for achievement and “A-plus” for effort.

Trump added on immigration: “We’re getting the bad ones out, the bad people, gang people, drug lords, in some cases, murderers,” echoing the campaign rhetoric that dominated speeches from Day 1 of his candidacy for the GOP presidential nomination.

“I’m much tougher in getting the bad guys out,” Trump said, contrasting himself with former President Barack Obama. “He was much less focused on that.”

On health care, Trump said the yet-to-be released replacement for ObamaCare is “really terrific” and “inclusive,” and he said Congress is right not to be hasty in repealing the current law.

“I think we have a great plan and I think Congress is absolutely taking a lot of blame, but it’s not their fault,” Trump said. “I’ve only been here for – what is this my fifth week?”

As the president plans to boost the military, Trump’s proposed \$54 billion increase in defense spending is coming largely from cuts to the State Department and Environmental Protection Agency. He suggested Tuesday that foreign aid would be a target of the cuts.

“We’re going to do things having to do with other countries because we’re treated very, very unfairly,” Trump said. “...We’re taking care of their military and we’re not being reimbursed. They’re wealthy countries.”

Trump pledged to use his “Art of the Deal” expertise to drive down costs, as well.

“I am going to get involved in negotiating,” Trump said. “We have many planes and boats and ships ... we’re spending too much money individually on.” He said the U.S. would “get a lot more product for our buck.”

Trump also said some of the monetary increases would “come from a revved up economy” and pointed to the numerous manufacturers and car makers – such as Carrier, GM and Ford – that have announced investments in U.S.-based factories and jobs since he was elected. Previously, Trump said, “they were fleeing this country.” Meanwhile, a bullish stock market has created “trillions of dollars in value.”

Part of Trump’s plan to add jobs had been stalled by the amount of time it took for the Senate to confirm Scott Pruitt, now the EPA administrator. When Pruitt “gets going” it’s going to mean “thousands and millions of jobs,” Trump said.

“We have hundreds and hundreds of massive deals that are tied up in environmental protection,” he said.

Though he pledged to give the U.S. “the greatest military we’ve ever had by the time I finish,” Trump spoke somberly about the Jan. 29 special operations mission in Yemen that resulted in the death of a Navy SEAL. Sen. John McCain – a frequent Trump foil – had criticized the daring raid, saying he would “not describe any operation that results in the loss of American life as a success.” Trump said McCain’s remarks were “inappropriate.”

“I feel badly when a young man dies and John McCain says, ‘That was a failed mission,’” he said.

Trump also ramped up his war with the press, questioning whether many journalists are simply making up the stories he’s infamously derided as “fake news.”

“I believe that sometimes they don’t have sources,” Trump said. “I believe that a lot of the sources are made up. I believe a lot of the sources are pure fiction. They just pull it out of thin air.”

The White House has been plagued by a deluge of leaks leading to a series of politically embarrassing stories, and it was reported that Press Secretary Sean Spicer, in an attempt to stem the flow, called a meeting with dozens of aides and searched their electronic devices. While Trump is eager to find the source – or sources – of the leaks, he disagreed with Spicer’s controversial methodology.

“Sean Spicer is a fine human being. He’s a fine person. I would have done it differently,” Trump said. “I would have done it one-on-one.”

He added: “Sean handles it his way and I’m okay with it.”

Trump said the administration had “sort of ideas” who had been leaking information.

“We have people from other campaigns, we have people from [previous] governments,” Trump said.

The Washington Examiner

<http://www.washingtonexaminer.com/trump-executive-order-scraps-epa-water-rule/article/2615956>

Trump executive order scraps EPA water rule

By John Siciliano 2/28/17, 5:00AM

President Trump will sign an executive order Tuesday scrapping a controversial Environmental Protection Agency rule that expanded the agency's jurisdiction over the nation's waterways during the second term of former President Obama.

The regulation, known as the Waters of the U.S. rule, broadened the definition of the type of water body that would fall under EPA's formidable clean water enforcement powers, making everything from streams to ditches and watering holes subject to the EPA's and Army Corps of Engineers' oversight.

The rule has been a top target for the GOP on Capitol Hill for more than two years, with Republicans and some Democrats opposing the regulation, which was renamed the Clean Water Rule after being made final by EPA. Trump vowed to repeal the regulation during his campaign. The executive order is meant to be a sign that he intends to keep his promises to supporters, who want to rein in the Obama administration's overreaching rules.

The executive order makes the legal argument that the rule oversteps the agencies' statutory authority, and therefore must be remanded back to the agencies and reconsidered, White House officials told reporters.

Stay abreast of the latest developments from nation's capital and beyond with curated News Alerts from the Washington Examiner news desk and delivered to your inbox.

"Decisions in the Supreme Court over time have been somewhat confusing, but it's pretty clear that the jurisdictions that oversee this issue should be shrinking," not expanding, one official said. "The problem with the Obama rule is that it vastly expands federal jurisdiction into state and local jurisdictions."

The executive order will instruct the EPA and the Army Corps to go back to the drawing board and review and reconsider the rule, according to the officials.

It will also instruct the agencies, acting with the Justice Department, to petition the federal 6th circuit court of appeals to halt the regulation while the agencies conduct their review and reconsideration. The court is reviewing a major lawsuit against the regulation.

Meanwhile, a non-binding resolution was introduced in the House Monday evening by Rep. Bob

Gibbs, R-Ohio, and 36 cosponsors expressing the sense of the House of Representatives that the Waters of the United States rule be withdrawn. The resolution is supportive of Trump's order, although it does not expressly reference it.

"Since the Obama Administration first proposed their WOTUS rule, I've heard from farmers, small business owners, county and township officials, and state environmental officials who have been strongly opposed" to the regulation, said Gibbs.

"This resolution expresses just how important it is to rescind this EPA power grab and start from scratch, working with stakeholders to create a sensible rule that protects water quality and preserves the federal-state partnership of the Clean Water Act," said Gibbs. "Farmers in Ohio and across the nation cannot afford more costly and burdensome regulations from a Washington bureaucracy that thinks it knows best."

The environmental community, in anticipation of the executive order being issued this week, issued statements denouncing the presidential directive as a major step backward for the nation's environment.

"Without the Clean Water Rule's critical protections, innumerable small streams and wetlands that are essential for drinking water supplies, flood protection, and fish and wildlife habitat will be vulnerable to unregulated pollution, dredging and filling," said Bob Irvin, the president of the American Rivers group.

The Verge

<http://www.theverge.com/2017/2/28/14754660/epa-pollution-climate-change-trump-public-popularity-bipartisan-support>

When rivers caught fire and bald eagles were poisoned: why we need the Environmental Protection Agency

By Alessandra Potenza 2/28/17, 8:00AM

Children play in front of a smelter pumping lead and arsenic residue in the air of Ruston, Washington; a woman holds a glass of black, undrinkable water from her well in Ohio; and the view from the George Washington Bridge in Manhattan is so hazy with smog that the New Jersey skyline is impossible to see. These scenes were captured in the early 1970s as part of a project, called Documerica, that was commissioned by the Environmental Protection Agency to document pollution in the US. Today, the photos show what America looked like before environmental protections were put in place — and they serve as an important reminder of why we need those protections.

Today, the future of the EPA is uncertain. The new EPA leader, Scott Pruitt, has made a career out of suing the agency for its environmental regulations, working hand in hand with the fossil

fuel industry. President Donald Trump is expected to drastically cut the EPA's budget and workforce, as well as roll back many of the regulations that empower the agency. And a bill meant to terminate the EPA by December 2018 was recently introduced in the House by three Republican congressmen.

But most ordinary people haven't forgotten life before the EPA — and the majority of them don't want these cuts to the agency. More than 60 percent of Americans want to see the EPA's powers preserved or strengthened under Trump, according to a Reuters / Ipsos poll released last month. And it's not just liberals, either — almost half of Republicans wanted the EPA to continue in its mission as well. Only 19 percent of Americans would like to see the agency "weakened or eliminated."

"There's tremendous public support for clean air and clean water, and the basic mission of the agency is tremendously popular," Paul Sabin, an environmental historian at Yale University, tells *The Verge*. "People are counting on the government to provide those protections."

In fact, when the EPA was created in 1970 by Republican President Richard Nixon, there was broad bipartisan support for it. "Restoring nature to its natural state is a cause beyond party and beyond factions," Nixon said in his 1970 State of the Union speech. "It has become a common cause of all the people of this country." That's because in the 1950s and '60s, Americans could witness pollution firsthand — not just in EPA photographs.

Most US cities — from New York to Los Angeles, which was renamed the smog capital of the world — were engulfed in smog. In 1948, in the small town of Donora, Pennsylvania, 20 people died and many others got sick because of toxic, thick yellow smog produced by the local zinc plant and steel mill. In 1969, a layer of oil and debris floating on the surface of the Cuyahoga River in Cleveland was set on fire when sparks from a train landed on the polluted water. The iconic image of the burning river, published in Time, sparked outrage, but in fact the photo was taken in 1952, when a similar accident occurred. Though the Cuyahoga is the most famous, burning rivers across the US were not an unusual sight back then.

The EPA — and environmental regulations like the Clean Air Act and the Clean Water Act the agency enforces — helped change all that. From 1970 to 2015, national emissions of pollutants like lead, carbon monoxide, and nitrogen dioxide have declined by an average of 70 percent. These and more changes meant 160,000 people in the US didn't die prematurely due to air pollution in 2010 alone. But deaths aren't all of it: 86,000 emergency room visits and 13 million lost days from work were also prevented. That's good for human health *and* for the economy. Since the 1980s, the EPA has also worked with local authorities to clean up some of the most polluted sites in the US, from landfills that caught fire to radioactive waste housed close to residential areas.

The EPA has also played a central role in saving wildlife like the iconic bald eagle. After World War II, the birds were ingesting the widely used pesticide DDT. It turned out DDT made eagles lay eggs with such weak shells that the adult eagles would crush the eggs in the nest as they tried to incubate the next generation. By 1963, fewer than 500 nesting pairs of bald eagles remained. In 1972, the EPA banned DDT — which by then was also shown to pose health risks to people

— and bald eagle populations rebounded. In 2007, the birds were taken off the threatened and endangered species list.

“The American environment is dramatically improved from what it was in the 1970s, before the EPA was created,” says Cody Ferguson, an assistant professor of history at Fort Lewis College who’s currently researching the EPA’s Documerica project. And the EPA has “played a central role in affecting those improvements.” Bob Deans, at the Natural Resources Defense Council, says it a bit more bluntly: “The EPA is the last line of defense between environmental ruin and a livable world,” he tells *The Verge*. “Do we want our children to drink water with lead in it? Do we want our rivers catching on fire? Nobody wants these things.”

In his first speech to the EPA, Pruitt said that he wishes to give responsibility for environmental protection back to the states. But pollution doesn’t respect state boundaries. For instance, acid rain in the Northeastern US, which was causing strong environmental damage in the Adirondacks in the 1980s, was largely due to pollution coming from Midwestern states like Ohio, Illinois, and Michigan, Deans says. So by setting national standards, the EPA can make sure every state complies with regulations — and prevents damage to surrounding states from ones that might have looser regulations. “An important thing the EPA does is create a level playing field across the nation,” Sabin says.

Today, the environmental challenges aren’t as obvious as those of the ‘60s and ‘70s — with burning rivers and cities choked by smog — but they’re as important as ever. Climate change will pose new threats to our environment and health, from rising sea levels to heat waves and more destructive natural disasters. We’re in the middle of a mass extinction. And lead in drinking water is a problem that still affects millions of Americans across the US. “To some degree, we’ve started taking the environment and environmental protection for granted,” Ferguson says.

But if the EPA’s authority is diminished or the agency is terminated, all those years of progress might go to waste. The environmental degradation recorded by the EPA’s photos in the 1970s wasn’t so long ago. “We have to acknowledge that just because we had this success, we have these improved conditions, doesn’t mean that the job is anywhere near done,” Ferguson says. The EPA is “the top national steward to protect our environment and health,” Deans says. “What could be more important?”

InsideClimate News

<https://insideclimatenews.org/news/27022017/epa-climate-change-donald-trump>

EPA Removes Mentions of 'Climate Change' in Water Utilities Program

By Georgina Gustin 2/28/17

The Environmental Protection Agency's website has gotten a makeover since the Trump

administration took office, with some references to climate change now wiped from its pages.

But the agency removed the word "climate" from a division's name and webpage even before President Donald Trump's inauguration, suggesting that EPA employees may have started constraining information in anticipation of the incoming chill from the new administration.

The division once known as Climate Ready Water Utilities was rebranded as the Creating Resilient Water Utilities in late December, according to archived webpages. By then, Myron Ebell had been in place as head of the agency's transition team for more than a month. Ebell, a senior fellow at the conservative Competitive Enterprise Institute who has long promoted climate denial in his work, was considered a threat to the agency's mission by many of the career employees.

The program's website originally said the initiative "provides the water sector (drinking water, wastewater and stormwater utilities) with the practical tools, training, and technical assistance needed to adapt to climate change by promoting a clear understanding of climate science and adaptation options." The page now highlights resilience to extreme weather events aimed at adaptation, with no mention of climate change.

The original webpage for the EPA's Climate Ready Water Utilities division

Two sections listed on the division's webpage, "Get Climate Training for Your Utility" and "Access Climate Change Resources," were removed. (The links listed in these sections still go to live pages, but they are not accessible via the main page. That includes the link to climate trainings; the page lists one upcoming training, for August 2016.)

One section was changed from "Plan for Climate Change at Your Utility" to "Plan for Extreme Weather." Another was altered from "Assess Your Risk to Climate Change" to "Assess Your Risk and Find Resources."

The program's website also removed references of climate change from the sidebar, including a link to the "EPA Climate Change Newsroom."

The EPA has not yet responded to requests for comment.

In January, several reports emerged that the new administration ordered the agency to take down its climate change page. But that page remains up, albeit with some changes.

"Early on things disappeared, and then they reappeared," said Patty Lovera, assistant director at the advocacy group Food & Water Watch. "It's a rational theory to worry if people are trying to keep under the radar to protect the core mission."

The Environmental Data and Governance Initiative (EDGI) has been tracking the changes, which have included the removal of language that says the U.S. is committed to international climate pledges and that carbon pollution is the driving cause of climate change.

"I don't know what the motivation was on the timing, but it sure does raise concerns," Lovera said, referring to the renaming of the water division and removal of climate change mentions. "They're recognizing the symptoms, but they can't talk about the disease... It seems silly to have people plan for extreme weather and not have a conversation about what's driving it."

The Climate Ready Water Utilities division, launched by EPA to help water utilities cope with threats from climate change, had appeared poised to get a boost in the EPA's budget proposal for the 2017 fiscal year, prepared toward the end of the Obama administration. It called for additional technical help to 25 urban areas and training for 1,000 water utilities to "improve resilience in drinking water, wastewater, and stormwater systems."

That added infusion of money is under threat now. The Trump administration's new budget proposal will call for a large increase in military spending and slashing the budget of the EPA along with other non-defense agencies, the administration said Monday. While Congress will have the final say on the budget, the proposal sends a signal about the administration's priorities.

Bloomberg

<https://www.bloomberg.com/news/articles/2017-02-27/trump-s-epa-budget-cuts-may-unleash-a-backlash-as-risks-remain>

Trump's EPA Budget Cuts May Unleash a Backlash as Risks Remain

By Jennifer A Dlouhy 2/27/17

President Donald Trump's plan to slash the Environmental Protection Agency's \$8.3 billion budget would almost certainly mean making deep cuts to programs that protect the air and water and invoke fierce protests from environmentalists.

That's because roughly two out of every five dollars dedicated to the EPA ends up steered to state, tribal and local governments. Even Trump's own advisers and the new EPA administrator, Scott Pruitt, say the agency's state environmental grants are off limits. That means the administration would need to reduce the EPA's already tight budget for enforcing environmental laws and its legally mandated portfolio of other work, said John Coequeyt, global climate policy director for the Sierra Club.

Opponents plan to fan public outrage, tapping into a movement that has pushed angry constituents to pack lawmakers' town hall meetings to complain about proposed changes to the Affordable Care Act. And in the same way that widespread fondness for Big Bird once helped insulate public broadcasting -- and the flagship show "Sesame Street" -- from evisceration, critics are ready to highlight how budget cutbacks at EPA headquarters translates to air pollution in the heartland and lead pipes delivering drinking water in cities nationwide.

"The core premise here is that they can make very substantial cuts to the agency, leaving alone

the state and local grant side, which is roughly half the budget," Coequyt said in a phone interview. "We have real doubts that can be done without substantially weakening the ability of EPA to respond to environmental problems and to carry out its core functions that are all established in law."

That may be the intended goal. Trump has consistently lambasted the agency -- once saying it should disappear altogether -- and criticized EPA regulations that he says burden companies, throttle energy development and delay factory construction.

The EPA is one of the the Trump administration's top targets as it lays out plans to boost defense spending by \$54 billion annually using money freed up by broad reductions across the rest of the government's discretionary budget. It will take more than the EPA to get there; the agency is operating with an \$8.3 billion budget and about 15,000 workers this year -- roughly the same spending level it has maintained for six years.

'Massive Cuts'

"They're talking about massive cuts in an agency whose budget has basically been flat," said David Goldston, director of government affairs for the Natural Resources Defense Council. "They're not hiding their overall goal in terms of a long-run effort to basically hobble the ability of the government to protect the public."

Pruitt sidestepped a question about whether his agency's resources could be sharply reduced during a discussion at the Conservative Political Action Conference on Saturday. But in speeches since his Feb. 17 confirmation, Pruitt has stressed the importance of EPA's core mission of protecting the air and water, as well as cleaning up toxic Superfund sites. And in an interview with the Wall Street Journal, he pledged to defend the EPA funding that goes to states.

They are on "the front line of a lot of work on air and water quality and infrastructure," Pruitt said. "It's very important that money continue."

And Myron Ebell, a longtime EPA critic who led the Trump transition team focused on the agency, said that reductions could be made without affecting those popular grants for water projects and other infrastructure. Pruitt "doesn't want to touch those pass-through grants," Ebell said in an interview.

Ebell has suggested some cuts could come by paring EPA's workforce through attrition and by delegating more work on water permitting and other matters to states.

Past presidents, however, have found it tough to swing an ax at the agency, which ended up growing under Ronald Reagan's administration, despite a 35 percent cut during his first year in office.

Environmentalists say they will vigorously defend the agency by drawing on support from moderate Republicans in Congress and Americans who value its work to safeguard the air and water.

"We will resist and hold accountable Donald Trump and members of Congress who support a spending plan that puts polluters first over the health of everyday people in this country," said Alex Taurel, deputy legislative director of the League of Conservation Voters. "Trump's rigged budget would stack the deck in favor of Big Oil and other corporate lobbyists."

Flint's Water

Environmentalists warn that lawmakers and the Trump administration would be risking a backlash the next time there is a public health crisis, such as lead-tainted drinking water in Flint, Michigan.

"Everyone is going to expect them to be there when something happens," Coequyt said.

More than 40 percent of EPA's budget -- about \$3.5 billion -- is dedicated to state and tribal grants used to pay for staff and support an array of programs, including initiatives that protect drinking water. State clean air and water programs also benefit.

Beyond the funding EPA steers to the states, the agency has a wide portfolio of work mandated by Congress, from setting ambient air quality standards for pollution and scrutinizing the toxicity of a slew of chemicals to reviewing state permits for proposed construction in wetlands. It also sets standards for contaminants in drinking water, supervises oil spill cleanup operations, provides resources to get sewage treatment operations online quickly after disasters and oversees the restoration of toxic Superfund sites.

David Doniger, director of the Natural Resources Defense Council's Climate and Clean Air Program, called the bloodletting "an obvious attempt to damage EPA's capacity over the long term."

Given its relatively small size, "zeroing out the EPA or badly damaging the EPA budget will not go very far to extend our defense capacity. It's a sham argument," Doniger said. Instead, he said, "these guys are thinking ahead; they want to cripple the administrative state over the long term."

Washington Post

https://www.washingtonpost.com/news/energy-environment/wp/2017/02/27/trump-to-direct-rollback-of-obama-era-water-rule-tuesday/?utm_term=.42183ace8c3a

Trump to direct rollback of Obama-era water rule Tuesday

By Juliet Eilperin and Abby Phillip 2/27/17

President Trump on Tuesday will instruct the Environmental Protection Agency and Army Corps of Engineers to "review and reconsider" a 2015 rule known as the Waters of the United

States rule, according to a senior official, a move that could ultimately make it easier for agricultural and development interests to drain wetlands and small streams.

The official, who spoke on the condition of anonymity because the executive order had not yet been signed, said the directive aimed to address the concerns of about 30 states and an array of business interests that have criticized the previous administration for overreaching. The final outcome of Trump's order could have tremendous implications for the agricultural, real estate, gravel, sand and ranching sectors, as well as a critical habitat for aquatic species and migratory birds.

Still, it could take well over a year for the directive to be carried out. It will likely trigger a fresh round of rulemaking, but could also lead to extensive litigation as the agencies seek to redefine federal restrictions on what accounts for 60 percent of the nation's water bodies.

The push to unravel the rule marks yet another shift in a decades-long debate over to what extent the federal government can dictate activities affecting the wetlands, rivers and streams that feed into major water bodies. The controversy has spurred two separate Supreme Court decisions, as well as a more recent federal appellate court ruling, as the two previous administrations sought to resolve the matter through executive actions.

Two Supreme Court decisions that came down during the George W. Bush administration, in 2001 and 2006, fostered uncertainty over exactly what falls under the federal jurisdiction under the Clean Water Act. In the 2006 *Rapanos v. the United States* decision, for example, the court's four most conservative justices at the time offered a very constrained view that only "navigable waters" met this test. But Justice Anthony M. Kennedy, who refused to join either the conservatives or the liberals, suggested the government could intervene when there was a "significant nexus" between large water bodies and smaller, as well as intermittent, ones.

Speaking to reporters Monday, the senior administration official said the regulation issued in 2015 "vastly expands federal jurisdictions over state waters, and we think . . . it could potentially violate previous Supreme Court decisions."

While acknowledging that past court decisions have been "confusing," the official said that administration officials think "the Supreme Court has tried to make it clear that the federal agencies that oversee this issue, the Army Corps of Engineers and the EPA, should be shrinking" their say over smaller bodies of water across the country.

Outdoor recreation and environmental groups, however, said the new federal protections were essential to safeguard both public drinking-water supplies and the terrain that sustains an array of waterfowl, fish and other species.

"Without the Clean Water Rule's critical protections, innumerable small streams and wetlands that are essential for drinking water supplies, flood protection, and fish and wildlife habitat will be vulnerable to unregulated pollution, dredging and filling," said Bob Irvin, president of American Rivers.

John Gale, conservation director for Backcountry Hunters & Anglers, who noted that the previous administration had weighed 1 million comments when crafting its rule, said these smaller streams and water bodies create “healthy riparian areas critical to more than 80 percent of our wildlife, including numerous species of big game. Sportsmen will not stand for shortsighted, irresponsible attacks on fundamental conservation laws like the Clean Water Act.”

The U.S. Court of Appeals for the 6th Circuit put a nationwide stay on the Obama-era rule last year, and the official said Trump’s executive order will instruct the attorney general to go back to that court and “take appropriate steps to hold that case in abeyance while the evaluation occurs at the Army Corps and the EPA.”

In addition, the official added, the directive will tell the two agencies to “consider thinking about” a decision by Justice Antonin Scalia in 2006 that suggested dramatically curtailing federal jurisdiction over smaller water bodies.

Mace Thornton, a spokesman for the American Farm Bureau Federation, said in an email that as his group has fought against the current policy, “our constant message has been that regulators need to go back to the drawing board to get this rule done right.”

“We welcome this action, but realize a lot of work lies ahead to secure a policy that works in a fair and transparent manner,” Thornton added.

The Hill

<http://thehill.com/policy/energy-environment/321481-trump-to-propose-24-percent-cut-in-epa-spending-reports>

Trump to propose 24 percent cut in EPA spending: reports

By Devin Henry 2/27/17

The Trump administration plans to propose a one-fourth to cut the Environmental Protection Agency’s (EPA) budget, a plan that would end up laying off 20 percent of the agency’s staffers, according to reports.

Trump officials will propose a \$6.1 billion for the EPA next year, a \$2 billion cut from current levels, according to reports in E&E News and Politico, citing sources.

The agency’s staffing levels would fall to 12,000 workers, from 15,000 currently, according to the reports.

An EPA spokesman did not immediately return a request for comment from The Hill.

The proposed spending levels at the EPA come on the day the White House sent spending

blueprints to federal agencies ahead of a budget rollout next month. Trump is planning a \$54 billion cut in domestic discretionary spending, which would then be used to increase spending for the Defense Department.

The Trump administration has said it plans to target EPA climate programs expanded under President Obama. EPA Administrator Scott Pruitt this weekend that he would work to end several regulatory efforts that the agency has in the works.

If the EPA cuts were realized, the agency's budget would be at its lowest level since the early 1990s, and its staffing levels would be lower than any time since the 1980s.

It's unclear if Congress will be willing to accept cuts as deep as those Trump is set to propose for the EPA.

The House Appropriations Committee in 2015 sought to cut the agency's funding by \$718 million, an amount far smaller than the White House will propose.

Environmentalists on Monday slammed proposed deep cuts to the agency, indicating a major push from greens and advocacy groups to keep EPA funding as intact as possible. Democrats are also likely to oppose the effort.

Politico

<http://www.politico.com/story/2017/02/epa-environment-trump-budget-235466>

Sources: White House proposes to cut EPA budget by quarter

By Alex Guillen 2/27/17

The White House has proposed slashing EPA's budget by about a quarter and eventually eliminating 1 in 5 of the agency's workers, according to sources familiar with the budget proposal sent to EPA on Monday.

That budget proposal would set EPA's budget at \$6.1 billion, down from its current level of \$8.1 billion, according to two sources outside the agency. EPA's budget hasn't been that low since 1991, according to agency records. One of those sources also said that the White House has proposed reducing EPA's 15,000-strong workforce to 12,000, a level not seen since the mid-1980s.

The White House declined to confirm the figures.

One source told POLITICO that the proposed cuts were "far more severe than anyone imagined." And an EPA employee said staff were buzzing on Monday about the possibility of such a massive cut to the agency's budget.

In a brief interview, a senior EPA official refused to confirm the proposed cuts, adding that he was "not in a position to discuss it publicly." The official said the budget blueprint is part of a "deliberative process" between the White House and EPA, adding that the Office of Management and Budget is expecting a response from the agency by Wednesday afternoon.

The White House said Monday it is seeking to hike defense spending by \$54 billion, a jump offset by shrinking spending at non-security agencies across the federal government.

Monday's proposal is part of the initial stages of the Trump administration's budget-crafting process. Agencies will return the proposals with comment in the coming days, and the Office of Management and Budget will release a "budget blueprint" on March 16, OMB Director Mick Mulvaney said. A full, detailed budget plan will not be released until May.

It remains unclear whether congressional Republicans will be willing to make such drastic budget shifts, but Democrats and environmentalists are already blasting the Trump proposal's domestic spending cuts.

"Reckless cuts to the EPA — the agency responsible for protecting public health and our environment — are not what Americans voted for in November," said Sen. Tom Carper (D-Del.).

"Here's what cutting EPA's budget means in the real world: more air pollution, more asthma attacks for kids, more health problems. This isn't about budget savings. It is about giving big polluters a license to pollute without consequences," said Elizabeth Thompson of the Environmental Defense Fund.

Huffington Post

http://www.huffingtonpost.com/entry/donald-trump-epa-budget_us_58b44dfde4b0a8a9b7848f09?0zj4o7o1lauyjh5mi&&utm_medium=email&utm_campaign=The%20N

White House to Propose Massive Cuts to EPA Budget

Alexander C Kaufman 2/27/17, 5:58PM

President Donald Trump is expected to propose deep cuts to the Environmental Protection Agency's budget as part of an effort to redirect federal spending toward a military buildup.

The move could diminish the EPA budget as much as 24 percent, according to a report by E&E News, the environmental and energy news service that has cranked out a steady stream of scoops on the new administration.

The cuts should come as no surprise. Trump has assembled the most openly polluter-friendly

Cabinet in recent history, putting climate science skeptics and fossil fuel executives in key posts with environmental powers. He named Myron Ebell, a once-fringe conspiracy theorist who shares the president's view that global warming is a hoax, to lead the EPA transition team. He also nominated Scott Pruitt, a former Oklahoma attorney general who sued the EPA 13 times and has deep ties to oil and gas companies, as EPA administrator. Pruitt was narrowly confirmed by the Senate this month.

On Saturday, Pruitt said that proposals to abolish the EPA were “justified” because of the agency’s actions under the Obama administration.

“I think people across this country look at the EPA much as they look at the IRS,” Pruitt said during an appearance at the Conservative Political Action Conference in Maryland. “There are going to be some big steps taken to address some of those regulations.”

A policy memo leaked to Axios outlined plans to cut hundreds of millions of dollars from the EPA’s budget. The targets for cuts included various grants to states and Native American tribes, climate programs, and environmental programs and management. To boot, Inside EPA reported earlier this month that Trump is weighing closing the agency’s Office of Enforcement and Compliance Assurance. That office handles both civil and criminal enforcement of the country’s core environmental laws, including the Clean Air Act, the Clean Water Act, the Oil Pollution Act and the Safe Drinking Water Act. Without it, the EPA would be largely toothless.

Eliminating environmental protections and climate change research alone won’t free up enough money to cover the military spending. The EPA’s \$8 billion budget made up just 0.22 percent of federal spending last year. Climate change funding across all agencies comprised \$11.6 billion in 2014, according to data from the Government Accountability Office.

In the 2016 fiscal year, the Department of Energy spent more than \$2 billion on energy efficiency and renewable energy — money that the White House plans to redirect to oil, gas and coal, an energy lobbyist who served as a top aide to the president’s transition team told Time. The agency spent \$1 billion on nuclear energy and more than \$600 million on fossil fuels.

Republican lawmakers have made a federalist argument for shrinking the EPA, insisting that environmental protection is a matter best handled at the state level. And it’s true that the EPA has sometimes failed to address local concerns. Some emailed complaints to the agency, requesting help on issues of drinking water safety, illegal oil dumps, ozone pollution and potential asbestos exposure, went unread for more than a year, according to a report published Monday by Bloomberg BNA.

“For six years in the legislature, I had a front-row seat to the failures of the federal government in protecting the environment,” Rep. Matt Gaetz (R-Fla.), the freshman congressman who introduced a bill to “completely abolish” the EPA, said earlier this month in a Facebook video. “The question isn’t whether to protect the environment. The question is, who is better equipped to actually do that?”

However, that argument fails to address the key role the agency plays in policing cross-border

issues — a topic that came up during Pruitt’s confirmation hearing when a senator asked the nominee about air pollution blown on the wind from one state to another.

“Under your vision for EPA, it sounds like states would be left on their own to deal with this very complex problem,” Sen. Tom Carper (D-Del.) said during Pruitt’s confirmation hearing. “How do states address this pollution, this kind of pollution you see demonstrated here, without the assistance of the EPA?”

To be sure, the EPA has weathered administrations critical of its mission before. The Sierra Club accused President George W. Bush’s EPA of undoing “decades if not a century of progress on the environment” with such brazen moves as refusing to implement the 1992 Kyoto climate deal. Anne Gorsuch, President Ronald Reagan’s EPA chief and the mother of Supreme Court nominee Neil Gorsuch, presided over what The Washington Post described as “a steep decline in cases filed against polluters and a scandal over the mismanagement of the Superfund cleanup program that ultimately led to her resignation in 1983.”

The push to kneecap the EPA could prove unpopular. In December, 59 percent of U.S. adults said stricter environmental laws and regulations are worth the cost, versus just 34 percent who said such rules cost too many jobs and hurt the economy, according to a survey conducted by the Pew Research Center. A Reuters/Ipsos poll released in January found 61 percent of Americans would like to see the EPA preserved at the same size or expanded, compared to 19 percent who said it should be weakened or eliminated.

During a hometown rally near Pensacola, Florida, last week, Gaetz took a question from a voter who said she previously worked at the Florida Department of Environmental Protection. She described an agency that could not execute its mission alone.

“Air, land, water, they don’t know boundaries,” said the woman, whose remarks were captured in a live stream of the event. “Please just consider withdrawing the bill.”

Kevin McGonagle

Office of Media Relations Intern

U.S. Environmental Protection Agency

Telephone: (202)-564-4524

mcgonagle.kevin@epa.gov

Katherine So

Office of Media Relations Intern

U.S. Environmental Protection Agency

Telephone: (202)-564-4511

so.katherine@epa.gov

To: Schnare, David[schnare.david@epa.gov]
From: Benton, Donald
Sent: Sat 2/18/2017 7:14:33 PM
Subject: FW: Puget Sound NDZ [WARNING: DKIM validation failed]
[removed.txt](#)
[2017-03353.pdf](#)
[ATT00001.htm](#)
[removed.txt](#)

David, I was unaware we were authorized to be publishing this. I hope his information is inaccurate.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Charlie Costanzo [mailto:CCostanzo@americanwaterways.com]
Sent: Saturday, February 18, 2017 12:40 PM
To: Benton, Donald <benton.donald@epa.gov>; Ruff, Sandy <Sandy.Ruff@leg.wa.gov>;
doug.ericksen@leg.wa.gov
Cc: 'Clifford A. Webster (cwebster@carneylaw.com)' <cwebster@carneylaw.com>; 'Peter
Schrappen' <peter@nmta.net>; Doug Levy (Doug@outcomesbylevy.onmicrosoft.com)
<Doug@outcomesbylevy.onmicrosoft.com>; 'Young, Tom' <Tom.Young@mail.house.gov>;
'colin.swanson@mail.house.gov' <colin.swanson@mail.house.gov>; 'James Tupper'
<tupper@tmw-law.com>; gwirtz@clia-nwc.com; 'Donna Spalding' <dspalding@clia-nwc.com>;
Lynn Muench <LMuench@americanwaterways.com>; Dorjets, Vlad EOP/OMB

EOP/Ex. 6

Subject: RE: Puget Sound NDZ [WARNING: DKIM validation failed]
Importance: High

Dear Senators Ericksen and Benton:

I received the attached copy of the attached prepublication of the February 21 Federal Register stating that EPA is moving ahead with a Final Affirmative Determination of the Puget Sound NDZ.

As you might understand, this is extremely disappointing and surprising given that we understood from several communications that the Determination would be subject to the regulatory freeze authorized by President Trump's January 20 directive.

At this point, we are wondering if anything can be done to hold this determination or roll it back until former RA Dennis McLerran's justification for determining the adequacy of pumpout capacity in Puget Sound for commercial vessels can be fully understood and evaluated.

Your assistance is urgently requested.

Thank you!

- Charlie

Charles P. Costanzo

Vice President – Pacific Region

The American Waterways Operators ■

5315 22nd Ave. NW

Seattle, WA 98107

www.americanwaterways.com

(206) 257-4723 (Office)

(203) 980-3051 (Mobile)

(866) 954-8481 (Fax)

From: Charlie Costanzo

Sent: Wednesday, February 15, 2017 9:59 AM

To: 'benton.donald@epa.gov' <benton.donald@epa.gov>; Ruff, Sandy
<Sandy.Ruff@leg.wa.gov>; 'doug.ericksen@leg.wa.gov' <doug.ericksen@leg.wa.gov>

Cc: 'Clifford A. Webster (cwebster@carneylaw.com)' <cwebster@carneylaw.com>; 'Peter
Schrappen' <peter@nmta.net>; Doug Levy (Doug@outcomesbylevy.onmicrosoft.com)
<Doug@outcomesbylevy.onmicrosoft.com>

Subject: Puget Sound NDZ

Dear Senators Ericksen and Benton:

I write on behalf of The American Waterways Operators (AWO), the national trade association for the tugboat and barge industry, to ask for your assistance rolling back the Puget Sound No-Discharge Zone (NDZ), a badly misguided and procedurally-flawed joint regulatory proposal of the Dept. of Ecology and the EPA. The policy would force vessel owners to abandon federally-approved onboard sewage treatment systems despite the absence of scientific evidence to suggest these systems harm the marine environment in any way. The policy would force vessel owners to install holding tanks onboard the vessel and pump untreated sewage to a shore-based treatment system. For my industry alone, the regulation would cost operators over \$15 million and provide zero benefit to the environment.

On the evening before President Trump was inaugurated, EPA representatives called maritime industry advocates to let them know that then-EPA administrator Dennis McLerran had signed a determination that the capacity of shoreside facilities was sufficient to accommodate the

regulated community. The determination should be invalidated because there is exactly one shoreside facility in all of Puget Sound (at the Port of Bellingham) that could even accommodate a typical tugboat, fish processor, or small cruise vessel. McLerran's determination was signed, and shortly after the inauguration Senator Benton confirmed to Cliff that the determination was subject to the President's regulatory freeze declaration of January 20 and that it will not be noticed in the Federal Register.

We are working to ensure that RA McLerran's determination is never noticed and that the Puget Sound NDZ, as promulgated by the Dept. of Ecology, is never implemented. It's bad policy and we can articulate better ways that the industry and regulators can achieve water quality improvement from onboard sewage treatment. We would love the opportunity to talk with you by phone or in person about this issue. It's extremely important for the commercial and recreational boating community in Washington State. It even impacts which out of state vessels can trade in our waters.

I am copying in several other maritime industry advocates who worked over a period of years to persuade Ecology to adopt sensible NDZ policy for Puget Sound. They are Peter Schrappe of the Northwest Marine Trade Association (NMTA), Doug Levy from the Recreational Boaters of Washington, and Cliff Webster who works in Olympia for both AWO and NMTA. We have a much larger coalition of maritime industry groups that engaged on this issue with Ecology to no avail. I attach a letter that describes the coalition and our position. I also attach a letter from Rep. Dave Reichert to EPA urging them to exercise caution on this issue. It appears that EPA didn't take the Congressman's advice and instead opted for an 11th hour rulemaking.

Please let me know if you can find some time to meet with us or chat by phone. I'm happy to accommodate your schedule however works best.

Thank you so much!

- Charlie Costanzo

Charles P. Costanzo

Vice President – Pacific Region

The American Waterways Operators ☐

5315 22nd Ave. NW

Seattle, WA 98107

www.americanwaterways.com

(206) 257-4723 (Office)

Personal Email/Ex. 6 (Mobile)

(866) 954-8481 (Fax)

To: Herz, James P. EOP/OMB [EOP/Ex. 6]
Cc: Greaves, Holly[greaves.holly@epa.gov]; Schnare, David[schnare.david@epa.gov]
From: Benton, Donald
Sent: Wed 2/1/2017 6:22:16 PM
Subject: RE: EPA / Flint MI Budget Matter

Jim, We agree and those funds were never frozen or stopped and should have already been released as a matter of course. Thanks for the heads up.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Herz, James P. EOP/OMB [EOP/Ex. 6]
Sent: Monday, January 30, 2017 1:23 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: EPA / Flint MI Budget Matter

Don,

My name is Jim Herz and I am on the OMB Beachhead team. I want to bring a budget matter to your attention that affects the EPA. The EPA has requested OMB to apportion \$100 million in funding to the Drinking Water State Revolving Fund. This money was provided in the fiscal year 2017 continuing resolution signed into law and is intended to aid the Flint Michigan drinking water problem. Since the funds have already been appropriated, we don't see any reason to hold back releasing the funds. If you disagree, please let us know ASAP.

Jim Herz

OMB Beachhead

Personal Phone/Ex. 6

To: Gunn, Ashley L. EOP/WHO
From: Benton, Donald
Sent: Fri 2/17/2017 12:38:12 AM
Subject: FW: Details for Justice Wife

EOP/Ex. 6

Ashley,
This just arrived in my in box. I am leaving now.

Don
Senator Don Benton
Senior White House Advisor
Office of the Administrator
202.564.4711

-----Original Message-----

From: Maria Marshall [mailto:maria.marshall@fed-soc.org]
Sent: Thursday, February 16, 2017 7:06 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: Details for Justice Wife

Martha Ann Alito

Personal Matters/Ex. 6

Sent from my iPhone

To: Locetta, Jennifer R. EOP/WHC
From: Benton, Donald
Sent: Wed 2/8/2017 11:28:19 PM
Subject: RE: Beachhead Confirmation

EOP/Ex. 6

Jennifer, Have we vetted **Personal Matters/Ex. 6** yet.
These folks were slated to be wave 2 when the transition team broke up.

We have 16,000 employees here and only 11 on our BH and desperately need some reinforcements.

Please expedite our wave 1 BH and hurry on the list above.

Thanks,

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Locetta, Jennifer R. EOP/WHO

EOP/Ex. 6

Sent: Wednesday, February 8, 2017 3:03 PM

To: Munoz, Charles <munoz.charles@epa.gov>

Cc: Benton, Donald <benton.donald@epa.gov>

Subject: RE: Beachhead Confirmation

Although he was not listed on the original Beachhead list, I found confirmation that he was approved for the beachhead team on 1/25.

Thanks,

Jennifer

From: Munoz, Charles [<mailto:munoz.charles@epa.gov>]

Sent: Wednesday, February 8, 2017 2:15 PM

To: Locetta, Jennifer R. EOP/WHO <[REDACTED]> **EOP/Ex. 6**

Cc: Benton, Donald <benton.donald@epa.gov>

Subject: Beachhead Confirmation

Jennifer,

Hope all is well. The EPA is looking for confirmation that John Konkus is a member of our beachhead team and will be placed on the 120 day temporary status for Schedule C's. All they're looking for is a reply to this email stating that he is in fact, a member of our team here at the EPA.

Thank you

Charles Munoz

White House Liaison

Environmental Protection Agency

To: Gunn, Ashley L. EOP/WHO [EOP/Ex. 6]
Cc: Mashburn, John K. EOP/WHO [EOP/Ex. 6]
From: Benton, Donald
Sent: Fri 2/17/2017 12:36:56 AM
Subject: Mixed messages

Hi Ashley,

Apparently you are now supposed to ignore the list I sent over which Pruitt's Ex Secretary asked me to send according to Ryan Jackson. Also, there is an addition to the list requested by here as well. The wife of Leonard Leo.

Personal/Ex. 6

I completely understand your restraints and have repeatedly told Jackson that the lists were too long and that there may be a legal concern about who does the swearing in. He is doing all of this on his own, without my counsel.

I am simply trying to accommodate what I have been told is Pruitt's wishes. I have called no one but you and John about this. Anything else you may have been told is inaccurate. I just called Mashburn and gave him the chronology.

Do the best you can and they will have to live with it. They clearly do not understand they work for the President.

BTW, I need to be there (at swearing in) to have a form signed by whoever swears him in in order for him to actually get a phone and be in charge of any emergencies over the weekend according to staff here at EPA.

Talk to you in the morning. If Bill wants the run down have him call my cell.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: David Schnare[Schnare@torcastlelaw.net]
From: Benton, Donald
Sent: Wed 2/1/2017 3:55:12 PM
Subject: FW: SCHEDULER - Freeze and Review of EPA's Construction General Permit
NAHB Request for Freeze and Regulatory Review of EPAs 2017 CGP.pdf

David, Where are we on this request?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Birk, Eva [mailto:EBirk@nahb.org]
Sent: Monday, January 30, 2017 11:24 AM
To: Benton, Donald <benton.donald@epa.gov>
Subject: SCHEDULER - Freeze and Review of EPA's Construction General Permit

Mr. Benton,

We sent the attached letter on Friday to OMB/EPA regarding a request for freeze and review of EPA's 2017 CGP.

Are you or someone from your team able to discuss this matter with National Association of Home Builders (NAHB) this week?

We realize EPA will have to move quickly on this issue, and are willing to provide assistance/get your team up to speed on the relevant information and choices for agency action. It may be beneficial to include the responsible OMB desk officer **EOP/Ex. 6** and our SBA Office of Advocacy representative, Kevin Bromberg.

Please let us know your team's **availability Tues – Friday this week** , and I will work to schedule a 30 minute call.

Best,

Eva

Eva Birk

Program Manager, Environmental Policy

National Association of Home Builders

1201 15th Street NW

Washington, DC

(T) 800 368 5242 ext. 8124

(F) 202 266 8056

(D) 202 266 8124

ebirk@nahb.org

From: Birk, Eva

Sent: Friday, January 27, 2017 1:23 PM

To: 'McCabe.catherine@Epa.gov' <McCabe.catherine@Epa.gov>; 'Shapiro.mike@Epa.gov' <Shapiro.mike@Epa.gov>; 'Benton.donald@epa.gov' <Benton.donald@epa.gov>;

EOP/Ex. 6

Cc: 'Sawyers.andrew@Epa.gov' <Sawyers.andrew@Epa.gov>; 'rees.sarah@epa.gov' <rees.sarah@epa.gov>; Asmus, Susan <SAsmus@nahb.org>; Mittelholzer, Michael <MMittelholzer@nahb.org>;

EOP/Ex. 6

'Bromberg, Kevin L.' <kevin.bromberg@sba.gov>

Subject: Request for Freeze and Regulatory Review of EPA's 2017 Construction General Permit

Please see attached for a request on behalf of the National Association of Home Builders (NAHB) for freeze and regulatory review of EPA's 2017 Construction General Permit, per the recently issued January 20th President's Chief of Staff memorandum. If you have questions regarding this request or would like to consult with NAHB regarding next steps, please do not hesitate to contact me at (202) 266-8124.

Kind regards,

Eva Birk

Eva Birk

Program Manager, Environmental Policy

ED_001612_00019967-00003

National Association of Home Builders

1201 15th Street NW

Washington, DC

(T) 800 368 5242 ext. 8124

(F) 202 266 8056

(D) 202 266 8124

ebirk@nahb.org

Members saved \$20 million last year with Member Advantage!

Jump on those member discounts at nahb.org/ma.

Everything you need to know about building is @ nahb.org.

* * *This electronic message, including attachments, may include information that is confidential, proprietary and/or legally privileged. It is intended solely for the use of the individual(s) named as recipients in the message. Any unauthorized use, disclosure, copying or distribution is prohibited. If you are not the intended recipient or have received this e-mail in error, please contact the sender by replying to the e-mail and delete all copies of the original message.* * *

To: Uli, Gabriella M. EOP/WHO
From: Benton, Donald
Sent: Wed 2/1/2017 3:53:05 PM
Subject: RE: Contact Info Required

EOP/Ex. 6

Is there a new call in number and code? If not please resend info.

Thanks,

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711

-----Original Message-----

From: Uli, Gabriella M. EOP/WHO

EOP/Ex. 6

Sent: Monday, January 30, 2017 11:49 AM

Cc: Mashburn, John K. EOP/WHO

EOP/Ex. 6

Subject: Contact Info Required

Beachhead Teams,

Please send me contact information for the following:

- Communications department (political positions only)
- Chief of Staff if named
- Any additional WH Liaisons
- Your official government phone number and email address if you have not already done so.

Let me know if you have any questions.

Thanks!

Gabriella Uli

WH Cabinet Affairs

Phone: **Personal Phone/Ex. 6**

EOP/Ex. 6

To: Mashburn, John K. EOP/WHO
From: Benton, Donald
Sent: Wed 2/1/2017 3:02:26 PM
Subject: FW: Message from the Senior White House Advisor

EOP/Ex. 6

John,

FYI-your request last night.

Don

Senator Don Benton

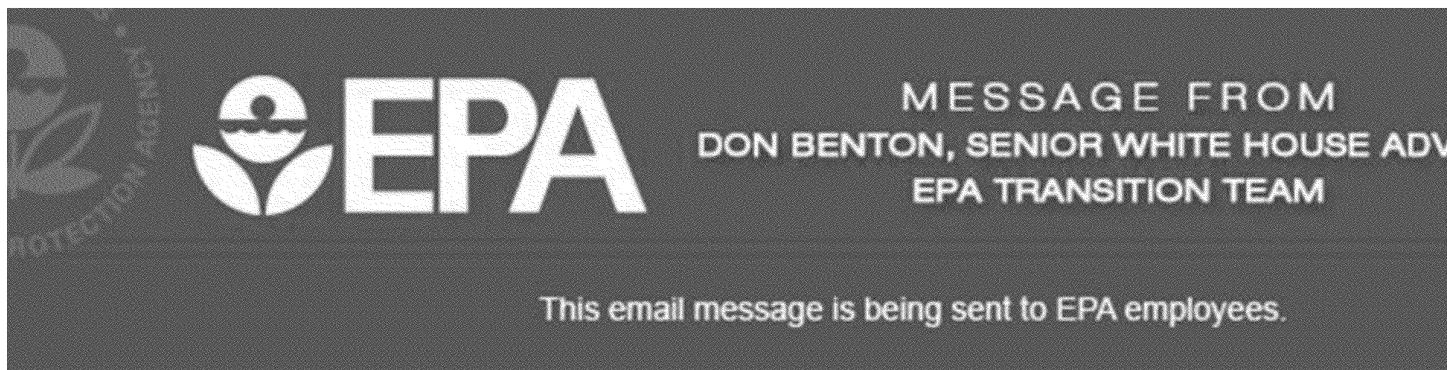
Senior White House Advisor

Office of the Administrator

202.564.4711



From: MassMailer
Sent: Monday, January 30, 2017 12:58 PM
To: MassMailer <massmailer@epa.gov>
Subject: Message from the Senior White House Advisor



After one week on the job leading the transition team, I would like to say thank you to the many career professionals here at the EPA who have been working with me, White House Liaison Charles Munoz, and the transition team. I have served many roles in my life in both the private sector and in government. I want the EPA team to know that the people I have worked with here are among the best I have ever had the opportunity to work with.

We all know that political transitions are never easy. Carter to Reagan in 1981, Bush to Clinton in 1993, Clinton to Bush, and then Bush to Obama have all been unique and possessed their own challenges. We are now working our way through the transition from President Obama to President Trump.

Due to the important nature of the work that is done here at EPA, we are falling under a greater media microscope than most agencies.

I, like many of you, am surprised each morning by what I read in the newspaper and see on TV news shows, because much of what we see is just not accurate.

In addition, many news outlets are quoting individuals who are no longer serving on the EPA transition team. I am not able to validate or reject the statements made by these individuals, since I am not directly working with them, and I have not seen many of the documents referenced in the stories.

I cannot tell you today what the final decisions from the White House, from our new Administrator, and from the Congress will be. I can tell you that despite what you read and see on TV, no final decisions have been made with regard to the EPA.

Changes will likely come, and when they do, we will work together to implement them.

One thing I am certain of is that the transition team is committed to working with you to carry out the core mission of the EPA – To Protect Human Health and the Environment.

Don Benton

Senior White House Advisor

To: Schnare, David[schnare.david@epa.gov]
From: Benton, Donald
Sent: Tue 2/7/2017 11:38:30 PM
Subject: FW: EPA/DOD Rule

???

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Dankert, Charles M. EOP/OMB **EOP/Ex. 6**
Sent: Tuesday, February 7, 2017 5:21 PM
To: Schwab, Justin <schwab.justin@epa.gov>
Cc: Peacock, Marcus C. EOP/OMB **EOP/Ex. 6** Benton, Donald
<benton.donald@epa.gov>
Subject: EPA/DOD Rule

Good afternoon Justin,

Checking in with you on the following regulation that is scheduled to be effective this week. Has your team submitted an exception request for this?

Environmental Protection Agency and Department of Defense

Uniform National Discharge Standards for Vessels of the Armed Forces-Phase II Batch One

Publication Date: 01/11/2017

Effective Date: 02/10/2017

RIN: 2040-AD39

Document #: 2017-00153

Thank you,

Charlie Dankert

EOP / OMB

EOP/Ex. 6

To: [REDACTED]
Cc: Mashburn, John K. EOP/WHC **EOP/Ex. 6**
From: Benton, Donald
Sent: Tue 2/7/2017 11:30:03 PM
Subject: UPDATED: Beachhead Team
Beachhead Team.docx

Sean,

You had asked for an updated list of Beachhead team members. It is attached with phone numbers and emails. Also, we are hoping to bring on our wave two folks right away.

Personal Matters/Ex. 6

Others in the que for EPA need to be fully vetted and researched.

We are stretched a bit thin with this small BH team and need these four additional bodies as soon as you can approve them.

Thanks,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: jessica.e.ditto [REDACTED] **EOP/Ex. 6**
Cc: Mashburn, John K. EOP/WHC [REDACTED] **EOP/Ex. 6**
Bcc: patrick.wyrick [REDACTED] **Personal Address/Ex. 6**
From: Benton, Donald
Sent: Tue 2/7/2017 11:21:09 PM
Subject: Alaska Forum and travel at the EPA

Jessica,

Sean may be asked about this as Bloomberg is running with a story and others may pick it up. Bloomberg may be out with it tonight so wanted you and Sean to be aware.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



Early last week a member of the beachhead team (Me) asked the regions for a list of public events that they would be participating in for the month of February. This was the first time any such list of events had been in place. On the list was “The Alaska Forum”, an annual weeklong environmental conference held in Anchorage.

When we began to look into EPA’s planned participation we found that 34 EPA employees from at least two different regional offices and Washington D.C. were slated to travel to and attend The Alaska Forum at taxpayer expense.

We dug further and found that EPA employees were slated to serve on dozens of panels that touched on many topics including climate change. In fact, most panels included more than one

and often three or more EPA participants on the same panel.

This revelation caused us to ask about the overall EPA conference and travel budget. We found that in 2016 EPA spent \$44 million on travel and that at least 25 different conferences cost \$100,000 or more – per conference for a total of 5 million just on the 25 conferences that exceeded \$100,000.

We shared this information with the Acting Administrator and she agreed that 34 people did not need to attend one conference in Alaska. She worked with her team to reduce the size of the EPA contingent to 17 participants.

The Alaska Conference is taking place right now, this week from February 6 – 10.

Today (late this afternoon) a Bloomberg reporter called the Region 10 (Seattle) PAO and asked her why EPA “cut” the number of participants. Below is our response:

“Since January 20th we have been reviewing office expenditures. Last week during our review of expenditures we found that the EPA travel costs were \$44 million in 2016. We also found out that in the last year alone there have been at least 25 outside conferences attended by EPA employees that have cost the American taxpayers at least \$100,000 per conference. In the case of the Alaska Forum, there were 34 EPA employees scheduled to attend. The acting Administrator when notified of this agreed it was wise to reduce the size of the EPA contingent to 17. This is one small example of how EPA will be working cooperatively with our staff and our outside partners to be better stewards of the American people’s money.” – Doug Ericksen.

Doug is our designated EPA spokesperson (Beach head team member).

To: Williams, Michael B. EOP/OMB [redacted] **Personal/Ex. 6**, Schnare, David[schnare.david@epa.gov]
Cc: Campau, Anthony [redacted]
From: Benton, Donald
Sent: Wed 3/1/2017 10:13:22 PM
Subject: RE: Regulatory Review Update

I am hoping David is available for a 2pm tomorrow. We will confirm at 9:30am.

Will you be available?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Williams, Michael B. EOP/OMB [mailto:[redacted] **EOP/Ex. 6**]
Sent: Tuesday, February 28, 2017 6:11 PM
To: Schnare, David <schnare.david@epa.gov>; Benton, Donald <benton.donald@epa.gov>
Cc: Campau, Anthony <[redacted] **EOP/Ex. 6**>
Subject: Regulatory Review Update

David and Don,

Thanks so much for your work on the pending regulations list you sent last week. Do you have time this week to jump on a call with Anthony and me to discuss your comments and recommended actions? We want to make sure we're ready for the expiration of the initial 60 day freeze three weeks from now. Feel free to include any other relevant members of your team.

Best,

Michael

Michael B. Williams

Legal

Office of Management and Budget

(C) Personal Phone/Ex. 6

To: Bremberg, Andrew P. EOP/WHO [REDACTED] **EOP/Ex. 6**
Cc: Schnare, David[schnare.david@epa.gov]
From: Benton, Donald
Sent: Thur 2/9/2017 8:07:40 PM
Subject: RE: contact info

Andrew,

David will not finish the draft until tomorrow morning and will send it to you then.

Pruitt's contact is [REDACTED] **Personal Phone/Ex. 6**

[REDACTED] **Personal Phone/Ex. 6**

Thanks,

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Bremberg, Andrew P. EOP/WHO [REDACTED] **EOP/Ex. 6**
Sent: Thursday, February 9, 2017 11:12 AM
To: Benton, Donald <benton.donald@epa.gov>
Subject: contact info

To: Mashburn, John K. EOP/WHO [Personal/Ex. 6]
Cc: matthew.j.flynn [EOP/Ex. 6] matthew.j.flynn [EOP/Ex. 6] Schnare,
David[schnare.david@epa.gov]
From: Benton, Donald
Sent: Fri 3/3/2017 8:53:22 PM
Subject: FW: Point of Obligation Stories

John,

As discussed, it is critical that these two components be included:

Endangerment finding repeal or removal.

Social Cost of Carbon addressed.

Also, below are the clips on the point of obligation stories. Highlighted sections are pertinent. The last 2 are the most concerning.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



Biofuels Association Head Says Trump Administration Will Shift Responsibility For Fuel Blending.

Bloomberg News (2/28, Blewitt) reports the Trump Administration denied that it was considering a proposal to change biofuel blending rules, reversing refiners' stock gains that follows earlier reporting that a deal had been struck between refiner and investor Carl Icahn and the Renewable Fuels Association. The White House said there was no deal. "I was told in no uncertain terms that the point of obligation was going to be moved, and I said I wanted to see one of our top agenda items moved," Bob Dinneen, head of the Renewable Fuels Association, said in a phone interview Monday. Reuters (2/28) reports Dinneen said Tuesday that his organization has been told by the White House that the Administration "would lift the responsibility for fuel blending off refiners, which had long requested this change to the nation's biofuel program," saying that it "hits them with burdensome costs." The

responsibility will now fall “to position holders at the terminal.” However, White House spokeswoman Kelly Love said on Tuesday afternoon “there is no ethanol executive order in the works.”

In a second story, Bloomberg News (2/28, Dlouhy, Parker) reports the parties presented the White House with a memorandum containing draft language it could use to direct the EPA to make the adjustments. According to sources, the memorandum could be issued sometime soon.

Icahn’s Share In CVR Energy Surges Amid News Of Possible Biofuel Deal. Bloomberg Business (2/28, Dlouhy, Natter, Allison) reports that Carl Icahn’s 82 percent stake in the refiner CVR Energy Inc. grew by nearly \$126 million on Tuesday on news of a proposed deal to alter the US renewable-fuels program, which was brokered in part by Icahn himself as special advisor to the president. Responding to criticism of Icahn’s role in the policy debate, Deputy Press Secretary Lindsay Walters said, “I can’t speak to the particular issue in that article, but the only criteria the president uses to make policy decisions is what is in the best interests of the American people.”